

**MINUTES**  
**OF THE**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**MEETING**  
**JUNE 21, 2004**

**INGRAM OFFICE BUILDING**  
**7900 HICKMAN ROAD**  
**URBANDALE, IOWA**

## TABLE OF CONTENTS

|  |    |
|--|----|
| Call to Order .....  | 1  |
| Members Present.....   | 1  |
| Members Absent .....   | 1  |
| Adoption of Agenda.....  | 1  |
| APPROVED AS PRESENTED .....  | 1  |
| Approval of Minutes .....  | 1  |
| APPROVED AS PRESENTED .....  | 1  |
| Director's Report .....  | 1  |
| INFORMATIONAL ONLY .....   | 1  |
| Final Rule – Amendment to Chapter 65.17 – “Manure MANAGEMENT PLAN Content Requirements”..... | 2  |
| (2) Definition of a Crop Disaster .....  | 4  |
| APPROVED AS AMENDED .....  | 20 |
| Public Participation.....  | 7  |
| Karen Seipold .....  | 7  |
| Karl Fox .....   | 7  |
| Calvin Roszenboom.....   | 7  |
| Rick Robinson.....   | 7  |
| Roger Zylstra .....  | 14 |
| Larry Kinsinger.....   | 14 |
| Varel G. Bailey .....  | 14 |
| Rich Leopold.....  | 15 |
| Dick Bird.....   | 16 |
| David Struthers .....  | 17 |
| Garry Klicker .....  | 17 |
| Keith Kooi.....  | 17 |

|   |    |
|---|----|
| Mike Blaser .....   | 18 |
| Kent Pruismann.....   | 18 |
| Phyllis Mains .....   | 18 |
| Jeff Schnell.....   | 18 |
| Proposed Rule – Amendments to Chapter 65 – Definitions, Construction Permit Requirements,<br>Master Matrix and Groundwater Determination..... | 20 |
| INFORMATIONAL ONLY .....  | 23 |
| Contract for Beach Monitoring Services with the University of Iowa – 2004 .....   | 23 |
| APPROVED AS PRESENTED .....   | 24 |
| Contract – Amend contract with Iowa State University for Lake Monitoring Services.....  | 24 |
| APPROVED AS PRESENTED .....   | 25 |
| Brownfield Redevelopment Program Overview.....  | 25 |
| INFORMATIONAL ONLY .....  | 26 |
| Final Rule – Chapter 137 “Iowa Land Recycling Program and Response Action Standards”.....   | 27 |
| APPROVED AS PRESENTED .....   | 28 |
| Final Rule – 567 Chapter 49 “Non public Water Supply Wells” and IAC Chapter 82 “Well<br>Contractor Certification” .....                       | 28 |
| APPROVED AS PRESENTED .....   | 29 |
| 2004 Laboratory Certification Agreement with University of Iowa .....   | 29 |
| APPROVED AS PRESENTED .....   | 30 |
| SFY 2005 DNR/UHL Air Quality Bureau Support Contract .....  | 30 |
| APPROVED AS PRESENTED .....   | 30 |
| Contract – Lamar Advertising   Contract – Clear Channel Outdoor   Contract – Clear Channel<br>Communications .....                            | 30 |
| APPROVED AS PRESENTED .....   | 33 |
| Amendment to Memorandum of Agreement (MOA) with the Iowa Department of Economic<br>Development .....  | 33 |
| APPROVED AS PRESENTED .....   | 34 |
| Amendment with the University of Northern Iowa’s (UNI) Iowa Waste Reduction Center .....  | 34 |
| APPROVED AS PRESENTED .....   | 35 |
| Notice of Intended Action: Air Quality Programs Rules Chapters 22, 23 and 25, Updates,<br>Revisions and Additions .....                       | 35 |
| APPROVED AS PRESENTED .....   | 36 |

|  |    |
|--|----|
| Solid Waste Alternatives Program – Recommendations .....   | 36 |
| APPROVED AS PRESENTED .....  | 46 |
| Contract with TBM Consulting Group for Kaizen Process Improvement Events.....                                  | 46 |
| APPROVED AS PRESENTED .....  | 47 |
| Referrals to the Attorney General .....  | 47 |
| A) US Petro, Inc., Sukhdev Singh, and SSJG Petroleum, Inc. (Quad Cities/Muscatine) –<br>Underground tanks..... | 48 |
| REFERRED.....  | 48 |
| Monthly Reports .....  | 48 |
| General Discussion .....   | 72 |
| Next Meeting Dates .....   | 72 |
| Adjournment .....  | 73 |

## MEETING MINUTES

### CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Darrell Hanson at 10:00 a.m. on Monday, June 21, 2004 in the Ingram Office Building, Urbandale, Iowa.

### MEMBERS PRESENT

Darrell Hanson, Chair  
Terrance Townsend  
Jerry Peckumn, Vice Chair  
Heidi Vittetoe, Secretary  
Donna Buell  
Lori Glanzman  
Francis Thicke – arrived at 10:15

### MEMBERS ABSENT

Kathryn Murphy  
Lisa Davis Cook

### ADOPTION OF AGENDA

*Motion was made by Terry Townsend to approve the agenda as presented. Seconded by Lori Glanzman. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### APPROVAL OF MINUTES

*Motion was made by Lori Glanzman to approve the minutes from the May 17, 2004 meeting as presented. Seconded by Terry Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### DIRECTOR'S REPORT

Liz Christiansen mentioned that Jeff Vonk is out of the state today.

**INFORMATIONAL ONLY**

**FINAL RULE – AMENDMENT TO CHAPTER 65.17 – “MANURE MANAGEMENT PLAN CONTENT REQUIREMENTS”**

Jeremy Klatt, Nutrient Specialist in the Environmental Services Division presented the following item.

The Commission is asked to approve a final rule to amend the state’s manure management plan content requirements.

Iowa Code 2003: Section 459.312, directs the department to develop rules that require manure application rates from confinement feeding operations to be based on the phosphorus index. The department proposes amending the rule 65.17 to base manure application rates on the phosphorus index. The United States Department of Agriculture Natural Resource Conservation Service’s (NRCS) Iowa Technical Note No. 25 – Iowa Phosphorus Index was used as a guide in development of the rule amendment.

Additionally, some areas of Rule 65.17 were reorganized to improve clarity of the requirements and standard tables referred to in this section have been updated to reflect current research data provided by Iowa State University. Other requirements within Rule 65.17 have been amended to improve the department’s implementation of the manure management plan program.

Five public hearings were held across the state in March 2004 and oral comments were heard. Additionally, the department received written comments on the proposed manure management plan requirement revisions. A responsiveness summary addressing the comments received can be viewed at the Department’s Record Center.

**Background**

Primary change is addition of the phosphorus (P) index. Also, updating manure values in standard tables and changes related to MMP program implementation (e.g. changes to recordkeeping requirements).

**What is the P index?**

- “Tool to help conservation planners, landowners/landusers and others to evaluate the current risk from P reaching surface water from a specific site, and to determine factors which dominate the risk due to P transport to surface waters.” (Iowa Technical Note No. 25)
- Considers erosion, soil test, location of the field, landform region, P applications to estimate risk of P loss.

**Public Comment**

- Five public hearings in March 2004.
- Public comment period extended one month to April 26<sup>th</sup>.
- 147 public comments.

- NOIA changed as a result of comment period. Most significant change was to P index application rate categories.

### **Changes Due to Public Comment**

#### **(1) Manure Application Criteria Based on the P Index**

##### **Very Low (0-1)**

Tech Note Interpretation: Practices result in small impact on surface water resources.

MMP application criteria: Nitrogen-based manure management

##### **Low (1-2)**

Tech Note Interpretation: Current practices keep water quality impairment low.

### **MMP APPLICATION CRITERIA: NITROGEN-BASED MANURE MANAGEMENT.**

##### **Medium (2-5)**

Tech Note Interpretation: P delivery may produce some water quality impairment. Consideration should be given to future practices that do not increase the risk of P delivery.

MMP application criteria: Nitrogen-based manure management if current and/or planned practices do not increase rating to “high” for the next determination of the P index (in 4 years).

*Option for EPC Consideration in Medium category:* Manure application shall not be applied in excess of two times the P removed with harvest over the crop rotation.

##### **High (5-15)**

Tech Note Interpretation: P delivery produces large water quality impairment. Remedial action is required.

MMP application criteria: **5-10:** Phosphorus-based manure management. Must adopt practices to reduce the P index to medium for next determination of P index (in 4 years).

**10-15:** No manure application.

*Option for EPC Consideration in High category:* Adopt the language of 5-10 for 10-15.

##### **Very High (>15)**

Tech Note Interpretation: Impacts on surface water are extreme. Remedial action is urgently required.

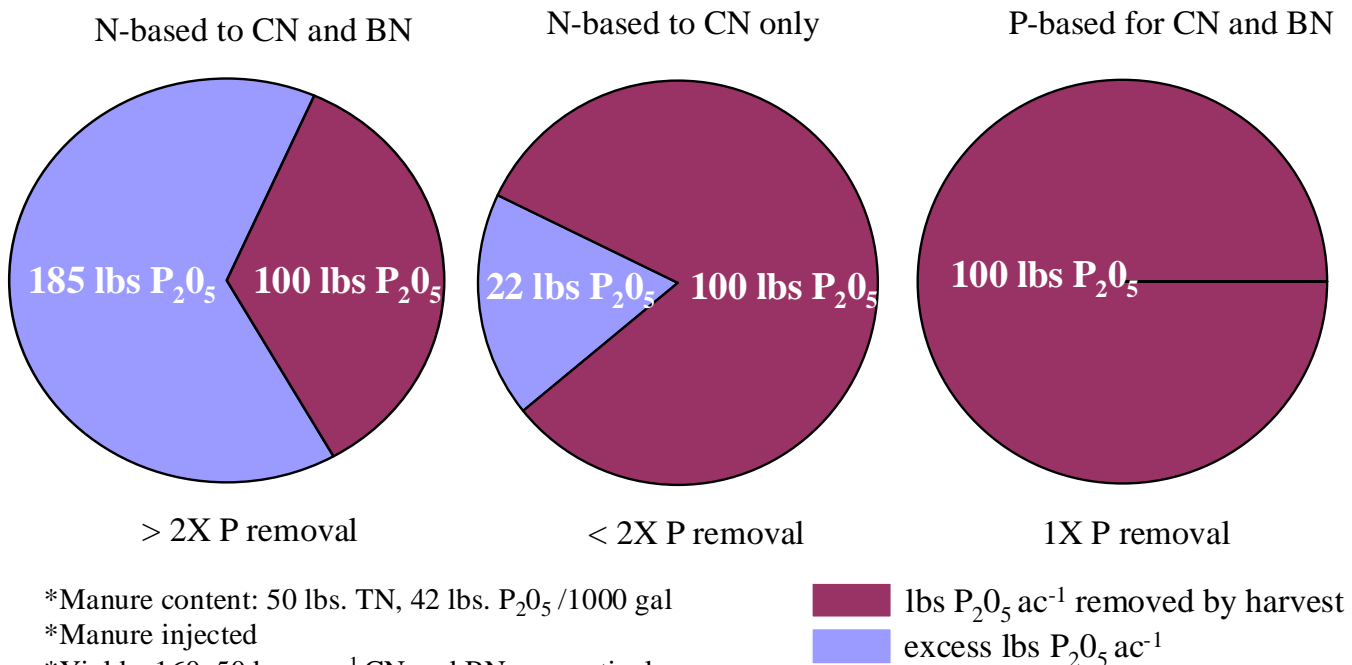
MMP application criteria: No manure application

### **WHAT WOULD BE THE EFFECT OF 2X P REMOVAL LIMITATION IN MEDIUM CATEGORY?**

*Assuming ISU manure concentrations:*

- If manure is applied N-based annually P application usually > 2x removal.
- If manure is not applied N-based annually usually < 2x removal.

Effect of Manure Application Strategy on Phosphorus Applied in a Corn/Bean rotation.



\*Manure content: 50 lbs. TN, 42 lbs. P<sub>2</sub>O<sub>5</sub> /1000 gal

\*Manure injected

\*Yields: 160, 50 bu acre<sup>-1</sup> CN and BN, respectively  
 (2) Definition of a Crop Disaster

NOIA stated that “Crop disaster years may be excluded when a Farm Service Agency crop disaster payment or crop insurance payment is made for the field or farm.” Language was changed based on public comment a crop disaster is defined as a thirty or more percent reduction in yield due to a disaster payment based on field or farm average yield over the most recent five years.

**Issues that were not changed as a result of public comment:**

**1) Adoption of rule would require plan and records to be kept within 30 miles of the site.**

Current rule allows plan and records to be kept off site if arrangements acceptable to the department are made so that a copy of the plans/records can be made available to the department within two working days after being requested.

**WHY SHOULD RECORDS AND PLANS BE AT OR NEAR THE SITE?**

- Facilitates quick access and response to complaints.
- Timely investigation of manure spills.
- Quick access to plan in emergency.
- EPA CAFO rule requires plan and records to be on-site.



**2) Adoption of rule would require records be kept of commercial N and P applications**Why is this an issue?

When manure application is occurring based on an agreement, the livestock operator would need to keep records of commercial fertilizer applications of crop producers on fields that receive the manure in the plan.

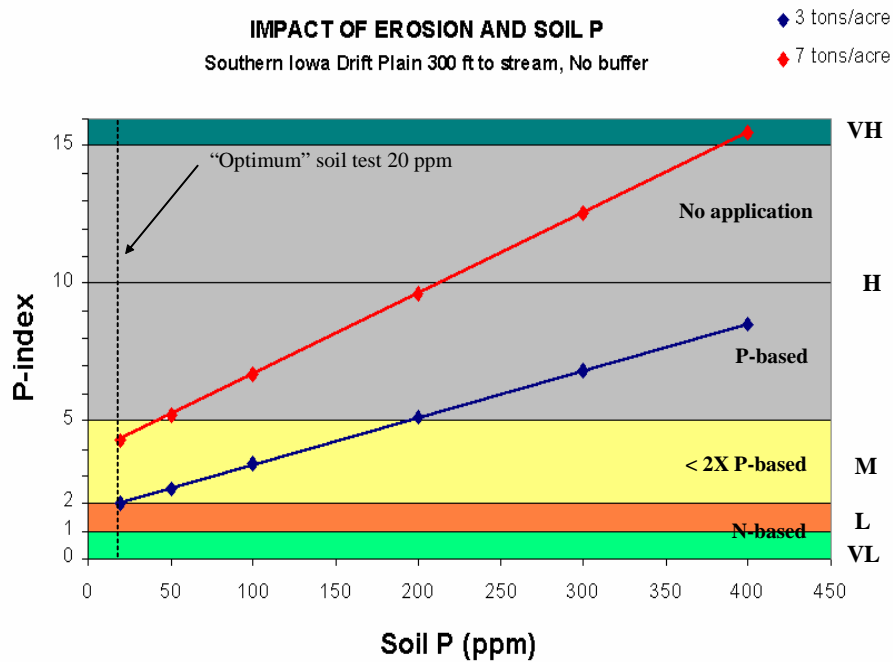
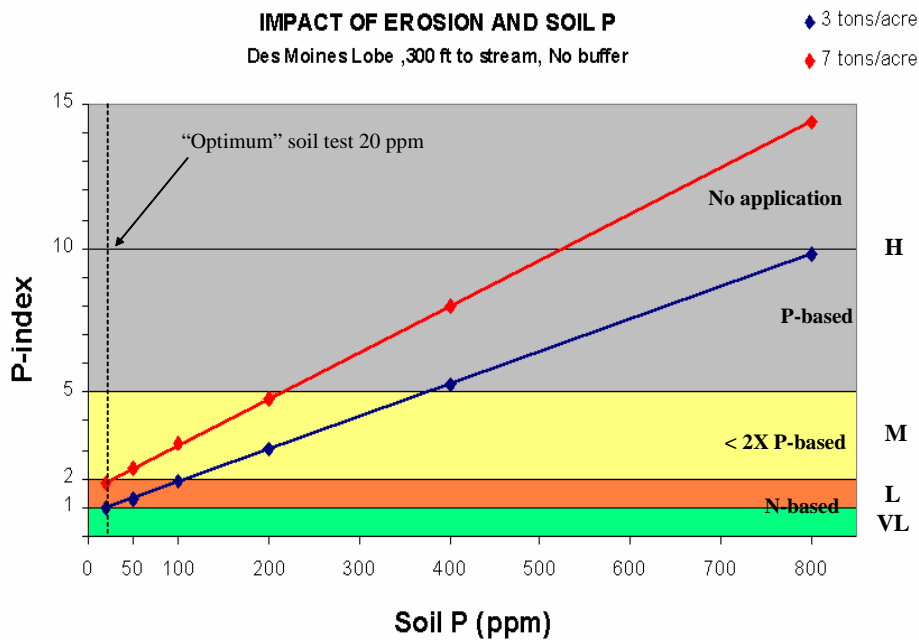
Why should records of commercial N and P applications be required?

- To keep livestock and crop producers' fertilizer applications in compliance with the manure management plan.
- Livestock producer must reduce manure application rate if commercial fertilizer will be applied by a crop producer.
- This is not regulation of commercial fertilizer application, it is enforcement of the department's manure management rules and Iowa law.

Because many livestock producers may not have the legal authority or rights to obtain information about commercial fertilizer application records under current agreements which were signed prior to passage of this rule, the rule allows a 1-year period, after this rule becomes effective, for operations to update their manure agreements to allow acquisition of this information.

**Minor changes needed that were identified after agenda package was printed:**

- 1) 65.17(1) "d". October 24, 2004 is a Sunday and DNR office is not open on Sunday. Therefore, the first day that a phosphorus index based manure plan is required has been moved to Monday, October 25, 2004.
- 2) 65.17(8) "c". The first sentence is redundant to paragraph "b" and therefore can be removed.
- 3) 65.17(17) "a". The term "thoroughfare" needs to be changed to "public thoroughfare" and the term "watercourse" needs to be changed to "water source" to be consistent with the statutory terms.
- 4) 65.17(17) "f". (3) numbered paragraph 1 and 65.17(17) "f" (4) numbered paragraph 1. Incorrect reference. Change reference from 65.17(17) "d" to 65.17(17) "h" (3).
- 5) 65.17(17) "g". (2) and (3). Wording improvement for clarity. New Wording: "Nitrogen fertilizer in addition to the nitrogen provided by manure may be applied to meet the remaining nitrogen need of the crop as calculated in the current manure management plan. Additional nitrogen fertilizer may be applied up to the amounts indicated by soil test nitrogen results or crop nitrogen test results, as necessary to obtain optimum crop yield."



## **PUBLIC PARTICIPATION**

**KAREN SEIPOLD**, farmer from Hastings made the following comments regarding the Final Rule – Amendment to Chapter 65.17 – Manure Management Plan Content Requirements:

Adding additional language to the proposed rule to identify that manure management plans, when they are submitted to the DNR are best estimates of what is planned for the upcoming year. They do not necessarily content the exact nutrient content or volumes because of rainfall, etc. as stated in the proposed rule. The rule itself does not recognize that the values are estimates. I want to make sure the wording gets caught.

**KARL FOX**, livestock farmer from Mitchell County made the following comments regarding the Manure Management Plan Content Requirements:

Nitrogen is volatile and it also leaches. Phosphorus bonds to soil particles. My soil tests are high to very high. I believe my soil is much different than that indicated in Jeremy's handout. My goal for organic matter has not been set since I want it to be higher. When I evaluate my management plans, it blends towards reducing erosion. When it comes to the actual application, my facility generates a lot of manure and I place it on my own land. If I was required to truck that manure out of our population dense neighborhood, it would eliminate my economic viability.

**CALVIN ROSZENBOOM**, livestock and crop producer from Mahaska County made the following comments regarding the phosphorus index:

Soil and manure testing is not an exact science. I think this proposed rule leads to regulation of commercial fertilizer application and the regulation of contracts that livestock farmers have with their neighbors. I am concerned that proposed rule may require livestock operators to renegotiate contracts that are already in place to include requirements on crop farmers. The proposed rule addresses the requirements for admitting implementation for phosphorus index. The NRCS P-index was not developed as a regulatory tool. In addition, I am not in favor of having differences between the NRCS phosphorus index risk ratings and the DNR's ratings. I'm also not in favor of how the recommended rule restricts phosphorus applications to two times the P removal with crop harvest over the period of the crop rotation. There are many other issues in the proposed rule that don't appear to make sense or seem to be inconsistent with the NRCS P-Index Implementation. This rule can do nothing but make it more difficult for family farmers to survive.

**RICK ROBINSON**, of Iowa Farm Bureau Federation passed out his comments regarding the Manure Management Plan Content Requirements to the Commissioners. Comments are as follows:

In 2002, the Iowa legislature mandated that livestock producers owning confinement operations larger than 500 animal units submit annual manure management plans. The annual plans are to include a phosphorus index as part of those MMPs. Approximately 3,000 livestock producers with confinement operations will need to comply with these new regulations. This number will be expanded as the department begins to implement the new federal AFO/CAFO regulations.

Iowa Code section 459.312 specifically requires the department to base its phosphorus index rules “on the field office technical guide for Iowa as published by the United States Department of Agriculture Natural Resources Conservation Service, which sets forth nutrient management standards.” While we appreciate the department’s staff willingness to meet with a diverse group of stakeholders on this rule, we continue to have concerns that have not been adequately addressed in the proposed final rule.

### **Regulation of Commercial Fertilizer Applications**

The proposed rule leases to the regulation of commercial fertilizer application and the regulation of contracts that livestock farmers have with their neighbors. Proposed rules 65.17(13)(e) and 65.17(17)(g)(2) and (3) all address commercial fertilizer application rates. The department has authority under Iowa Code to restrict the application of manure (section 459.312(10)) and to regulate animal feeding operations (section 459.103). The DNR can regulate manure application, but it lacks statutory authority to regulate commercial fertilizer applications, total nutrient application and farming operations that are not animal feeding operations. It especially lacks authority to hold a livestock farmer liable for an action taken by a neighbor on whose land the livestock operation’s manure was applied.

The department in a recent stakeholder meeting and in its responsiveness summary (on page 30) indicated that the department believes it has authority to hold a livestock farmer liable for additional nutrient applications done by his neighbor. It goes against all notions of fairness to hold a livestock farmer liable for the action of someone else so that the department can indirectly regulate commercial fertilizer applications.

While most livestock farmers provide their neighbor with information about the nutrient content of the manure, a livestock farmer does not have control over whether their neighbor or his landlord decides to apply additional commercial fertilizer. A livestock farmer also does not have control over whether their neighbor will provide information required for record keeping under the proposed rule. The department staff’s solution to this issue was to require modifications of the existing contractual obligations between landowners and livestock farmers.

We are concerned that the proposed rule expects existing manure agreements to be renegotiated to include these liability issues and requirement on crop farmers’ commercial fertilizer applications. (See Department Responsiveness Summary, P. 30) Many of these agreements are long-term easements for which the terms and compensations has already been negotiated. To regulated commercial applications indirectly by holding livestock farmers accountable and requiring modifications to existing contracts is unreasonable, arbitrary, capricious and is likely illegal.

As described above, the department does not have statutory authority to regulate the substance of the required contract changes. If the department wished to regulate commercial fertilizer applications, it needs to seek authority from the Legislature, not evade the intent of the Legislature by developing rules in the absence of that statutory authority. The regulatory requirement to renegotiate and change contract terms for manure application is also contrary to our state and nation’s constitutions. Article I, section 21 of the Iowa Constitution says,

“No...law imparting the obligation of contracts, shall ever be passed.” Article 1, section 10, clause 1 of the U.S. Constitution says, “No State shall...pass any... Law impairing the Obligation of Contracts...” The intention of the department to change current obligations under existing written agreements between landowners and livestock farmers is likely unconstitutional under both federal and state law.

To prevent this, we request that the commission strike paragraph “e” of rule 65.17(13) and that paragraph “g” of rule 65.17(17) be modified to reflect that the livestock farmer will not be penalized for the actions of another person. We suggest adding the following language to modify 65.17(17), paragraph “g”:

g. It is recommended that any additional commercial fertilizer be applied on fields receiving manure as follows:

### **Phosphorus Index**

The Phosphorus Index (or P Index) was designed as a tool to assess the relative potential for phosphorus (P) to move from agricultural fields to surface water. It uses an integrated approach that considers soil and landscape features as well as soil conservation and P management practices in individual fields. These characteristics include factors such as soil types, soil test P; rate, method, and timing of P application; and erosion characteristics.

The question becomes how to translate the NRCS P Index, which was not developed as a regulatory tool, into a rule that meets the needs of Iowa. As this translation proceeds, the focus should remain on protecting water quality while maintaining producer flexibility as they prepare and implement their MMP. Phosphorous based manure management plans needs to be both practical and effective for the plans to reach the desired effect of improving water quality.

We continue to be concerned that the staff recommendation for the DNR P Index rating system and implementation is inconsistent with the NRCS P Index. The NRCS State Technical Committee with diverse representation and an open scientific process developed the P Index. If the two P indexes are not consistent, producers will have to learn two different systems and maintain more than one plan. It will also create more confusion about what exactly the P Index requires. The department acknowledges that there are differences in the proposed rule from the NRCS P Index in its statement that the revisions from the NOIA are “more consistent with 590 standard.” While the department uses the same spreadsheet to calculate the P Index, components of the NRCS P Index are interpreted differently in this proposed rule and departments’ application rate limits differ from the NRCS P Index rating interpretations. Specific examples follow below.

### **Proposed rule 65.17(f)(3)(2): Phosphorus rate limitation is contrary to P Index science –**

Propose rule 65.17(17)(f)(3) sets out requirements for the “medium” rating category. The recommended rule contains a paragraph 2, which restricts P application to “two times the P removed with crop harvest over the period of the crop rotation.” The P Index contains many factors in addition to application rate, which determines the ultimate P Index rating. Other factors that can be adjusted to change the P Index risk score include cropping system used, method of application, percent residue cover, and conservation practices applied on the

landscape. The P Index is designed for adjustments to any of these factors, not just the application rate. By limiting the flexibility of farmers to address water quality concerns by pinpointing one specific factor, the recommendation is inconsistent with the science of the NRCS P Index. We ask the commission to delete this paragraph of the proposed rule prior to adoption.

**Proposed rule 65.17(17)(f)(4): High rating interpretation inconsistent with NRCS -** Proposed rule 65.17(17)(f)(4) sets out the requirements for the high rating category. The DNR proposed rule splits the high category into two parts. The lower on-half of the category requires farmer to adopt practice that reduce the category to medium before the P Index must be recalculated. The top one-half of the category is not consistent with the NRCS P Index rating remedial actions because the NRCS P Index rating does not ban manure application in the top one-half of the high category. It states in part: “New soil and water conservation and/or P management practices are necessary to reduce offsite P movement and water quality degradation.” Again , inconsistency between the two P indexes will lead to greater confusion and requirements off keeping two separate plans for the two agencies. Manure application should not be banned in the high category if practices are adopted in accordance with eh NRCS P Index rating interpretations. We proposed compromise language on this subject in our public comments to the department that would allow application, but would require remedial action to reduce offsite phosphorus movement. The departments’ proposed rule is clearly inconsistent with the NRCS P Index.

Additionally, compliance with the rule may not be feasible from a practical standpoint given the language of the rule itself. Paragraph (f)(1) requires practices to be adopted before the next determination of the P Index. Determination of the next P Index is required upon meeting one of several triggering events under proposed rule 65.17 (17)(h). One of the triggering events is a change to any of the inputs to the index. Inputs include items such as grassed waterways, buffer strips, manure application methods and tillage practices. While the department’s summary of the rule indicates that the P Index will only be recalculated once every four years, in actual practice, the rule requires a recalculation whenever a change in inputs occurs. Therefore, it is highly possible that he P Index will need to be recalculated in the same year that the plan is submitted to DNR.

**Proposed rule 65.17(17)(h): Combining DNR implementation plans with the proposed rule** Adding to the difficulty of complying with the proposed rule are DNR’s comments within the responsiveness summary (on pages 28 and 40) which says their intent is to require the original P Index to be done with the current practices on the land rather than planned practices for the upcoming year. Combining DNR implementation plans with proposed rule 65.17(17)(h) would have several important unintended consequences.

First, it creates an incentive to delay the adoption of an new water quality practices on the land until the end of the four-year period. If some practices are adopted in the near future such as changing tillage practices that weren’t “as is” when the plan was originally prepared, the P Index is required to be recalculated after submission to DNR and as soon as those practices are adopted. Manure application would then be banned on the land unless all steps necessary to reduce the rating to a medium are in place at the same time.

Second, it creates artificially higher ratings than what will actually be in place when manure is applied on the land. It is common for producers to want to change their practices once they learn the impact of different practices in the field upon running the P Index on their fields. Many of these practices would be simple to implement, such as buffer strips, grassed waterways and reduced tillage practices, although others may make take major capital commitments such as terracing. The DNR staff's plans for implementation of the rule works against producers adopting practices as soon as possible.

Finally, it will take this land out of the regulatory control of the department if manure cannot be applied on the land because of the artificially high rating or because practices can't be adopted all at once in the first few months if implementation.

We ask the commission to provide a directive to the department on the implementation of the rule to allow producers to prepare the plan with the practices that will be in place at the time of manure application rather than those practices which may be in place at the time the plan is prepared. Additionally, we suggest that the language of the proposed final rule 65.17(17)(h)(4) be changed to allow a four-year period to adopt practices rather than requiring the practices to be adopted upon the next recalculation of the P Index as follows:

(4)High(>5-15):

1. For fields in the High category with a P Index greater than five (5) and less than or equal to ten (10), manure may be applied at a phosphorus based rate in accordance with 65.17(19) if planned soil conservation and phosphorus management practices predict the P index rating of the field to be reduced to the Medium category before the next four year determination of the phosphorus index as required by 65.17 (17)(h)(3).

2. If a field remains in the High category for the next four year determination of the phosphorus index as required by 65.17(17)(h)(3), no manure may be applied to that field until practices are adopted which reduce the P index to the Medium risk category.

**Rule 65.17(17)(b): Most erosive soil map unit** – Proposed rule 65.17(17), paragraph “b” requires “the most erosive soil map unit that is at least 10% of the total field area” to be used for calculating sheet and rill erosion in the P Index. This language is consistent with how NRCS implements RUSLE-2 (Revised Universal Soil Loss Equation Version No. 2), a component of the P Index. However, there are two other areas where this soil type is used by NRCS in its interpretation of the P Index spreadsheet that are not addressed in DNR staff's proposed rule.

We consulted NRCS staff to learn how the NRCS currently uses the 10% most erosive soil map unit in the NRCS P Index. It is also used in calculating the “proximity to the stream” under the erosion component of the index and again in the “dominant soil type” under the sediment delivery component of the index. With the “proximity to the stream” component, NRCS requires the proximity to the stream to be measure from the middle of the most erosive soil map unit. If the field has uniform soil types, proximity is measure d from the center of the field. In the “dominant soil type” component, NRCS requires that the most erosive soil map unit be selected as the dominant soil type rather than the actual dominant soil type in the field. There two areas are not identified in the NRCS P Index in this manner. These two areas should be identified in

the rule in order to avoid a different interpretation between the NRCS and DNR P Index requirements.

If this language is not added to the rule, the current spreadsheet and NRCS technical note only require measuring from the center of the field under the “proximity to the stream” component, not from the most erosive part of the field as the NRCS implements the index. The index also says that the “dominant soil type”, not the most erosive soil type that makes up 10% of the field, be selected under the sediment delivery component of the index. To be consistent with the NRCS application of the most erosive soils, we recommend that the rule be more specific by applying the 10% in those two areas. We suggest the following language be added to rule 65.17(17)(b):

“When sheet and rill erosion, *proximity to the stream and dominant soil type are calculated or selected for the P Index*, the soil type used for the calculation or selection shall be the most erosive soil map unit that is at least 10% of the total field area.”

**Proposed Rule 65.17(17)(a): Division of fields** – Proposed rule 65.17(17) paragraph “a” requires farmers to divide a field if a watercourse or a thoroughfare divides it. Again, this requirement is not found in the NRCS P Index and unnecessarily limits a farmer’s flexibility to establish fields. When NRCS prepares a MMP, they start with the FSA field identifiers for convenience and consistency with other farm programs and then combine fields for calculating the P Index at the request of the farmer or if fields are similar. The proposed DNR rule does not allow the option of combining similar fields for calculating the P index of a road or stream is present. If the same cropping system, soil types, etc, are on both sides of the road or water source, there is no logical reason to divide the field other than FSA farm program payments, which should be irrelevant to DNR water quality regulations.

The DNR responsiveness summary (on page 33) makes inaccurate assumptions and a misstatement of the proposed rule. First, it states that “landscape features” of fields split by a road or watercourse will “almost always be different.” This is simply an inaccurate assumption. For example, in North Central Iowa where the watercourse is a drainage ditch, the two sides of the watercourse are more likely to be identical. However, if two fields are different, the last sentence of paragraph “a” will require it to be separated without the arbitrary separation for streams and roads required in the proposed rule.

The last sentence in paragraph “a” adequately addresses the relevant issues in making the decision to divide fields. It is unnecessary to add an arbitrary division when the fields are the same on both sides of a road or watercourse. We recommend that this second sentence of paragraph “a” be deleted from the rule.

### **Additional Comments**

There are many other issues in the proposed rule that have not been resolved satisfactorily to either make the rule consistent with the NRCS P Index or maintain flexibility in manure management planning and field practices to reach the goal of improving water quality. Attached is a list of those additional issues for your review and consideration.



**Technical Issues with MMP Rule/P Index**

Page 5 – implementation dates in rule 65.17(1) – October 24, 2004 is a Sunday and the DNR office is not open on Sunday. Generally, the rule is that if a date falls on a weekend or holiday, it moves to the next day the office is open. I would suggest that the date be changed to October 25, 2004 otherwise there will be confusion as to when the paperwork is to be submitted – October 22 or October 25.

Page 10 – Rule 65.17(8) – paragraph c. The first sentence is redundant to paragraph, so you don't really need it. It raises questions about what the department means by "also" include when paragraph "b" already says it's to be kept with the current plan. The second sentence creates problems when the producer has excess land in the plan to begin with – do they also need to find replacement land if it's not necessary to meet the acreage requirement for land application? I would suggest deleting all of paragraph c. It doesn't take anything away from the substance of the rule to delete it.

Page 12 – Rule 65.17(17) – first unnumbered paragraph. A rule references document such as tech note 25 should include the date of publication. This avoids the problem of a rule being changed without going through the public comment process. It is usually a requirement of the code editor that rule referenced documents include a date of publication. The NRCS's web site indicates it was last revised in February 2001.

Page 12 – Rule 65.17(17) – paragraph a. The second sentence uses terms that are undefined. The statutory terms are "public thoroughfare" and "water source". The proper terminology should be used if the department insists on requiring fields to be split in this manner.

Page 13 – Rule 65.17(17) – paragraph f(4)(1). There is an incorrect reference to the time frames in which a new P Index must be calculated. It should be 65.17(1)(h) not (d).

Page 13 – Rule 65.17(17) – paragraph(2) and (3). We had suggested that the language in paragraph 3 be substituted for paragraph 2, not added. Having both present creates conflicts and confusion. For example, does everyone have to do a soil test for nitrogen even if according to the P Index or N use calculations they did not apply enough manure to meet the crop's N needs? It has always been my understanding that in the past a soil test is needed only if manure has been applied in accordance with the plan's calculations and the farmer feels the crop needs more than that. These two paragraphs need to be reconciled. Perhaps something along the line of striking both sentences and combining them as follows:

"Nitrogen fertilizer in addition to the nitrogen provided by manure may be applied to meet the remaining nitrogen need of the crop as calculated in the current manure management plan. Additional nitrogen fertilizer may be applied up to the amounts indicated by soil test nitrogen results or crop nitrogen test results, as necessary to obtain optimum crop yield."

(A handout of his comments were given to the Commissioners. They can be located in the Department's Record Center.)

**ROGER ZYLSTRA**, family farmer from Jasper County made the following comments regarding the Manure Management Plan Content Requirements:

Combining DNR implementation plans with this proposed rule would have several unintended consequences. It creates an incentive to delay the adoption of any new water quality practices on the land until the end of the four year period. If some practices are adopted in the near future, such as changing tillage practices, the P-Index is required to be recalculated after it's submission to DNR and as soon as those practices are adopted. Manure applications would then be banned on the land unless all the steps necessary to reduce the rating to a medium be in place at the same time. It also creates artificially higher ratings than what will actually be in place when manure is applied on the land. It is common for producers to want to change their practices once they learn the impact of different practices in the field. The DNR's staff plan for implementation of the rule works against producers adopting practices as soon as possible. Finally it will take this land out of the regulatory control of the department if manure can not be applied on the land because of either the artificially high reading or because practices can not be adopted all at once in the first few months of implementation. I ask the Commissioners to provide a corrective to the Department on the implementation of the rule to allow producers to prepare the plans with the practices that will be in place at the time of manure application rather than those practices that are in place at the time the plan is prepared.

**LARRY KINSINGER**, grain and livestock farmer from Ottumwa made the following comments regarding the Manure Management Plan Content Requirements:

As I read and watch the rules being made the direction of what the future would look like is a worrisome area. The additional time needed to record and justify manure applications, the need for hiring specialists from manure application filings, the lack of having uniform rules based on common sense usage of the nutrients, the lack of control of private business information and the apparent need of knowing neighbors private business information and the possibility of the DNR staff coming to private property uninvited makes expanding the hog operation discouraging.

**VAREL G. BAILEY**, farmer from Cass County made the following comments regarding the Phosphorus Index Rules for Manure Management Plans.

Their farm operation includes corn, soybeans, grass, cattle, hogs and sheep enterprises. Soil productivity and water quality are very important to me. Our area has no reliable aquifers. In order to have livestock we have built five water reservoirs with a total surface area of over ten acres. The health of our livestock depends on the quality of the water coming from our land.

Issues I would like to comment on:

1. The modus operandi of the regulations.
2. Confusion about the deadlines for P Index MMP's
3. The availability of competent consultants
4. Regulatory creep to include commercial fertilizer and manure sales contracts

### **Modus operandi**

The method of procedure for government regulations generally falls into two categories. They are process regulation versus result regulation. The DNR has chosen process regulation for livestock operations and excess nutrient utilization on cropland. Given that crop agronomy and

soil agronomy are two of the most widely varied and least scientifically understood biological systems, attempts to achieve desired results are very difficult to attain via process regulation. The variety of livestock management systems further complicates regulation.

Attempts to address all the diversity of potential situations means the regulation result in an oppressive bureaucratic burden for everyone. In some situations the controls defy common sense.

I understand that it is too late for the DNR to change *modus operandi* in phosphorus now, but I urge that results regulation be considered on all environmental initiatives in the future.

### **P Index Manure Management Plan deadlines**

There is confusion about P Index deadlines. On one-hand DNR information states that it will be four years before the P Index rules will be effective. The DNR's responsiveness summary from public comments neglects to mention that under the new federal AFO/CAFP rules that the DNR will be bringing you later this summer, the federal rules will require all plans, including open feed lots, to be done within two years, not four.

### **Availability of competent consultants**

I am concerned about the availability of consultants and NRCS staff to assist the approximately 3000 producers as they prepare their DNR manure management plans within the next two years. These are not cookie cutter plans. They must be workable in a myriad of management systems, weather conditions, market events and technological changes. The deadlines may be beyond the mental and physical capacity of people available.

### **Regulatory creep to include commercial fertilizer and manure sale contracts**

Without a law degree, my opinion may not have much weight, however I do not think the DNR has the authority to move toward regulation of commercial fertilizers or the regulation of contracts for manure sales I have with my neighbors. It is understandable that with the *modus operandi* of process regulation, the regulatory agency sees the need to control all variables. In this case the Iowa and US constitutions draw the line on regulatory creep.

(A handout of his comments were given to the Commissioners. They can be located in the Department's Record Center.)

**RICH LEOPOLD**, representing the Iowa Environmental Council made the following comments regarding the Manure Management Plan Content Requirements.

The Council supports the Department of Natural Resources (DNR) proposed rule for implementing the phosphorus (P) Index, and the majority of proposed amendments added after the public comment period, but offer these comments on the rule and amendments.

1. The question may arise today of whether the DNR has the legal authority to require commercial fertilizer information on fields as part of the manure management plans. The Council views this information as relevant and necessary to proper implementation of the plan. This is not a method of restricting fertilizer use, it is gathering a complete view of

- the agronomic nutrients needed. This will assure that when manure is applied to a field, those nutrients are going to be utilized by the crops, and not end up in our public waters.
2. The Council supports the requirement in the proposed rule that a copy of the manure management plan be kept at the site of the confinement feeding operation,. Or at a residence or office that is within thirty miles of the site. This will facilitate timely inspection procedures should the DNR inspect the facility.
  3. In several areas of the original proposed rule, it required that changes made to manure management plans needed to be submitted to the DNR. A number of amendments remove this requirement, due in part to the burden to the DNR to maintain these records. The Council accepts the difficulty of the DNR to manage these records, but we feel strongly that these changes must still be submitted to the county and available for review by the public. The Council believes strongly in public transparency of permit processes, and this should be explicitly addressed in the rules. This included changes in manure management plans, conservation plans, proven crop yield documentation, new manure application agreements, changes in P-index, and P-index for new fields added to a manure management plan.
  4. When there has been a designation of a field in the “medium” risk category, the proposed DNR rules require practices be put into place that will prevent the field going into a “high” risk category. The Council supports this concept. An additional proposed amendment to rule, offered by the DNR, would prohibit the application of phosphorus (P) in excess of two times the P crop removal rate over the period of a crop rotation. The Council also supports this concept and would ask the commission to accept this amendment.
  5. There is a proposed amendment that would separate the “high” risk category into a low-end and high-end, and then allow for P-based management (P applied equal to P removed through crops) for four years, after which time the field must fall to a “medium” risk category to continue to apply P. The Council opposes this amendment. High risk means high risk, the possibility of movement of P to public waters is great, and additional P of any amount should not be allowed. A further proposed amendment on this same issues would treat the entire “high” risk category in this same manner, and again the Council opposed this amendment. The Council supports the original language offered by the DNR, and adamantly opposes any application of P to land already in the high risk category.

In closing, let me say we are encouraged by the progress made on this issue by the DNR and the EPC. We would ask you to reconsider these proposed amendment changes. The Council believes these are productive steps forward in protecting our public waters for all the citizens of Iowa. These rules will level the playing field among agricultural producers, while supporting the beneficial practice of manure application on cropland. Thank you for your consideration.

(A handout of his comments were given to the Commissioners. They can be located in the Department’s Record Center.)

**DICK BIRD**, representing the ICCI said that they support the DNR’s rule that requires manure management plans based on phosphorus standard in addition to a nitrogen standard. One reason that we do have a high phosphorus level in our water. If we do not take action against that, it

will not improve but get worse. We also support the DNR's decision to keep the provisions which would require CAFOs to keep updated manure management plans and current records on site or within 30 miles of that site, to make it easier for the DNR to investigate violations effectively and in a timely manner. There are a few changes made that should be changed back. The DNR is not requiring the crop yield documentation, instead they are requiring that the information be kept with the producers records. The DNR should require that all these documents should be submitted to the DNR and to the county supervisors. In addition, the DNR has separated the high and very high categories and is now allowing manure to be applied to the field of high vulnerability category. The previous rule was much more protective of ground water. The EPC should recommend changing it back.

**DAVID STRUTHERS**, family farmer from Story County said that his concern is the time frame of having to report the requirements. I think a reasonable time frame should be added to the rule which allows me to fill out records between 30-60 days. DNR made a comment on page 31 of its responsiveness summary. "The required extensive list of record keeping requirements is done on site while the manure is being applied." With most operations this is not practical. I would ask that we are allowed a longer window of time to be able to accumulate this data into a required form. I think under 60 days is a sufficient amount of time to have the data recorded on the required form.

**GARRY KLICHER**, family farmer from Davis County and a member of the ICCI commented on the recent purchase of Heartland Pork by Christiansen Farms and how the DNR will handle this situation. The County Supervisors are concerned as well as some citizens. We are concerned with four sites in Davis County that were permitted in 1998 by Heartland Pork, but no building were put up on the sites. At least three sites have been excavated and construction has begun. We understand that because of a loop hole in the law, one of which the DNR is trying to propose and correct today, Christiansen can go ahead and build under the old 1998 rules. We are glad the DNR is trying to correct this loop hole by putting a time limit on when construction can be completed. We understand that normally when a factory farm changes ownership, the new owner must submit a new original manure management plan prior to spreading manure. However, these sites are a different story, they have never been built or operational. Normally, new factory farms are required to submit manure management plans prior to construction but since the construction permits are still valid at some of these sites, DNR wants to treat these sites as if they were already operational and letting Christiansen Farms build and populate and not require new MMP until they are ready to spread. We think this is wrong. We would like to see them submit the manure management plans prior to building rather than afterwards.

(A letter addressed to Wayne Gieselman from the Davis County Board of Supervisors regarding the recent purchase of Heartland Pork by Christiansen Farms was given to the Commissioners. A copy can be located in the Department's Record Center.)

**KEITH KOOL**, farmer from Sioux Center said that the phosphorus levels in our part of the county are very high. We are doing our best to manage the land. There is a lot of manure but it's not feasible to haul it. I need to keep this rule making simple.

**MIKE BLASER**, made the following comments regarding the proposed amendment to Final Rule – Chapter 65.17

- 1) Eliminate the 30 mile rule; replace with a 24 hour rule:
  - a. Amend 65.17(12), as proposed, by deleting “or at the residence or office of the owner or operator of the operation within thirty miles of the site” and insert, in lieu thereof:

“or at a nearby residence or office, as designated in the manure management plan, or at a centralized location designated in the manure management plan, provided that the current manure management plan can be made available to the department by electronic or other means within twenty four hours after being requested.”
  - b. Amend 65.17(13), as proposed, by deleting “or at the residence or office of the owner or operator of the operation within thirty miles of the site” and inset, in lieu thereof:

“or at a nearby residence or office, as designated in the manure management plan, or at a centralized location designated the manure management plan, provided that the record can be made available to the department by electronic or other means within twenty four hours after being requested.”
- 2) Eliminate the requirement that livestock producers have to obtain copies of commercial fertilizer records.

Amend 65.17(13), as proposed, by deleting proposed subsection e. and by renumbering accordingly.

I ask that you reject the current proposal or to table the discussion on a couple of these issues until you have had some time to reflect on it.

**KENT PRUISMANN**, a livestock farmer from Rock Valley said that he supports the P-Index. It's important. Water quality is critical. We need to work on a system where we can all live together with this situation. Our government in a capitalist environment, in my opinion, forces us to the situation we are in today. The only way my family can make a living is to operate with greater numbers. I think the P-Index is workable but it needs to be standard. Right now there's more than one regulation that we are going to have to live with.

**PHYLLIS MAINS**, a family farmer from Decatur County said that she has been privileged to learn water monitoring and has been monitoring the streams in the area. There are only traces of nitrogen and phosphorus. There are small farms surrounding these streams, which leads me to believe that there are no problems with small farms. This is a step to help correct some of our problems so we do not have continuing health problems.

**JEFF SCHNELL**, representing Iowa Pork Producers said that there have been many concerns made by farmers on the uncertainty of the farm level details. There are some dichotomies being set up with conservation practices. This rule is an improvement over previous drafts and we

appreciate the Departments continued interest with this issue in improving the farm level detail that the phosphorus index will require. We encourage the department to adjust the P-Index as the needs rise in the future.

**FINAL RULE – AMENDMENT TO CHAPTER 65.17 – “MANURE MANAGEMENT PLAN CONTENT REQUIREMENTS” (CONTINUED)**

Darrell Hanson stated his concern is that if we increase the hassle factor too much for people who are taking manure from regulated livestock producers, the answer is not that they are going to put less nutrient on the land, they will take manure from non-regulated livestock producers. We may be driving acres out of the regulated arena into the non regulated arena. It is possible for people who are not large enough to have a manure management plans to over apply manure.

Francis Thicke asked about the time frame for record keeping.

Wayne Gieselman said that there is a four year period in which the P-Index must be put in the manure management plan. This must be updated every four years. The DNR’s expectations are that when we go out to the site, we need to know where and how much manure has been applied to the site. It can be handwritten. You also need to keep your five year records within 30 miles of the site under this new rule.

Heidi Vittetoe prefers that there be a time limit rather than having the records located within so many miles of the site.

Francis Thicke has concerns with the high risk for phosphorus levels and allowing a four year grace period to bring the high phosphorus level down to a medium level. It seems that there should be a one year time frame.

Jeremy Klatt said that this is a four year period to get practices in place and then if you submit another plan and it’s still in the high then there would be no further application. The goal is to try and bring the high fields down into the medium.

*Francis Thicke moved to insert the words “Until December 31, 2008 at the beginning of the paragraph on page 13 under #4. High (>5-15) 1. (Amended paragraph noted below.) Seconded by Donna Buell. Roll call vote went as follows: Jerry Peckumn – aye; Lori Glanzman – aye; Darrell Hanson – aye; Heidi Vittetoe – nay; Donna Bull – aye; Terry Townsend – nay; Francis Thicke – aye. Motion carried.*

(4) High (>5-15):

1. Until December 31, 2008, for fields in the High category with a P-Index greater than five (5) and less than or equal to ten (10), manure may be applied at a phosphorus based rate in accordance with 65.17(19) if practices will be adopted to reduce the P index to the Medium category before the next determination of the phosphorus index as required by 65.17(17)(d).

*Motion was made by Heidi Vittetoe to change the record keeping requirement from 30 miles to a time limit of 24 hours. No second. Motion dies.*

*Motion was made by Jerry Peckumn to approve the amended rule Chapter 65.17 "Manure Management Plan Content Requirements" as noted above. Seconded by Francis Thicke. Roll call vote went as follows: Jerry Peckumn – aye; Lori Glanzman – nay; Darrell Hanson – aye; Heidi Vittetoe – nay; Donna Buell – aye; Terry Townsend – aye; Francis Thicke – aye. Motion carried.*

**APPROVED AS AMENDED**

**PROPOSED RULE – AMENDMENTS TO CHAPTER 65 – DEFINITIONS, CONSTRUCTION PERMIT REQUIREMENTS, MASTER MATRIX AND GROUNDWATER DETERMINATION**

Gene Tinker, Animal Feeding Operations Coordinator for the Environmental Services Division presented the following item.

The proposed rules will update terminology and provide clarity in 567 Iowa Administrative Code Chapter 65. Definitions are updated for determination of type of animal feeding operation structures. Clarity for determination of need for a construction permit is added – 65.7(1)"b" and designation of when a construction permit will expire if construction hasn't been completed – 65.7(5). In addition language is added to 65.9(1) and 65.10(3)"b" to clarify use of the Master Matrix to more closely follow IAC 459.304. Finally, 65.15(7)"c" is modified to more clearly describe accurate determination of the groundwater table.

ITEM 1. Amend rule 567-65.1(455B) as follows:

**Amend the following definitions:**

"Confinement feeding operation" means an animal feeding operation in which animals are confined to areas which are essentially totally roofed.

"Open feedlot" means an ~~unroofed or partially roofed~~ animal feeding operation that is unroofed or has an unroofed area equal to or greater in size than the essentially roofed area in which no crop, vegetation, or forage growth or residue cover is maintained during the period that animals are confined in the operation.

ITEM 2. Amend paragraph 65.7(1)"b" as follows:

**567– 65.7(455B) Construction permits.**

**65.7(1) Animal feeding operations required to obtain a permit.**

b. Except as provided in subrule 65.7(2), a confinement feeding operation ~~beginning construction, installation or modifications after March 20, 1996,~~ shall obtain a construction



~~permit prior to beginning construction, installation of an animal feeding operation structure used in that operation or prior to beginning significant modifications in the volume or manner in which the manure is stored or reopening the operation if it was discontinued for 24 months or more if any of the following conditions exist:~~

~~(1) The confinement feeding operation uses an aerobic structure, anaerobic lagoon or earthen manure storage basin. Constructing or modifying an unformed manure storage structure or constructing, or modifying a confinement building that uses an unformed manure storage structure, regardless of the animal unit capacity of the operation.~~

~~(2) The confinement feeding operation uses a formed manure storage structure and has an animal weight capacity of 625,000 pounds or more for animals other than bovine or 1,600,000 pounds or more for bovine. Constructing, installing or modifying a confinement feeding operation structure, other than an unformed manure storage structure, if after construction, installation or expansion the animal unit capacity of the operation is 1,000 animal units or more. This subparagraph also applies to a confinement feeding operation structure that stores manure in a dry form.~~

~~(3) The confinement feeding operation structure provides for the storage of manure exclusively in a dry form and has an animal weight capacity of 1,250,000 pounds or more for animals other than bovine or 4,000,000 pounds or more for bovine. Initiating a change that would result in an increase in the volume or a modification in the manner of manure or egg washwater stored in any unformed manure storage structure, even if no construction or physical alteration is necessary.~~

~~(4) Initiating a change, even if no construction or physical alteration is necessary, that would result in an increase in the volume or a modification in the manner of manure or egg washwater stored in any confinement feeding operation structure, other than an unformed manure storage structure, if after the change the animal unit capacity of the operation is 1,000 animal units or more.~~

~~(45) Constructing or modifying an egg washwater storage structure or a confinement building at a The confinement feeding operation uses that includes an egg washwater storage structure, regardless of the size of the operation.~~

~~(56) The confinement feeding operation contains more than one species and the sum of the total animal weight capacity for each species divided by the permit threshold for that species is greater than 1.0(100%). Prior to reopening the confinement feeding operation if it was closed for 24 months or more and if any of the following apply: the confinement feeding operation uses an unformed manure storage structure or egg washwater storage structure, regardless of the animal unit capacity of the operation; the confinement feeding operation includes a confinement feeding operation structure, other than an unformed manure storage structure or egg washwater storage structure, and has an animal unit capacity of 1,000 animal units or more.~~

~~(67) The confinement feeding operation is proposed for an increase in animal weight capacity which would otherwise require a construction permit, even though no physical changes or construction is necessary. Repairs or improvements to a confinement building such as fans, slats, gates, roofs, or covers do not require a construction permit. In some instances the department may determine that a construction permit is not required because an increase in the volume or a modification in the manner in which manure or egg washwater is stored is deemed insignificant. Plans for repairs or modifications to a manure storage structure shall be submitted to the department for determination if a permit is required.~~

~~(8) Plans for installation of fixed manure transfer piping shall be submitted to the department for determination of permit requirement.~~

ITEM 3. Amend subrule 65.7(5) as follows:

**65.7(5) Expiration of construction permits.** The construction permit shall expire if construction, as defined in rule 65.8(455B), is not begun within one year or completed within three years of the date of issuance. The director may grant an extension of time to begin construction if it is necessary or justified, upon showing of such necessity or justification to the director, unless a person who has an interest in the proposed operation is the subject of a pending enforcement action, or a person who has a controlling interest in the proposed operation has been classified as a habitual offender

ITEM 4. Amend subrule 65.9(1) by inserting the following new paragraph:

p. A copy of any master matrix evaluation provided to the county.

ITEM 5. Amend paragraph 65.10(3)"b" by inserting the following new subparagraph:

(3) The board shall not evaluate a construction permit application for the construction or expansion of a confinement feeding operation structure if the construction is for expansion of a confinement feeding operation structure constructed prior to April 1, 2002 and after the expansion of the confinement feeding operation, its animal unit capacity is one thousand six hundred sixty-six animal units or less.

ITEM 6. Amend paragraph 65.15(7)"c" as follows:

*c. Determination of groundwater table.* For purposes of this rule, groundwater table ~~means the average annual~~ is the seasonal high water table determined by a licensed professional engineer, a certified ground water professional pursuant to 567--chapter 134, or qualified staff from the department or Natural Resources Conservation Service (NRCS). ~~If, and where~~ a construction permit is required, ~~approved by the department~~ must approve the ground water table determination. Current groundwater levels shall be measured using at least one of the following for either formed or unformed structures:

(1) Temporary Monitoring wells. Three temporary monitoring wells ~~by measuring the water level seven days after installation.~~ Each temporary monitoring well will be developed according to 567-110.11(8) Well Development. Each well shall be extended to at least two feet below the bottom of the liner of an unformed manure storage structure, or to at least two feet below the footings of a formed manure storage structure.

- Unformed structures. For an unformed manure storage structure, each monitoring well may be installed in the existing boreholes resulting from ~~t~~The corings required in subrule 65.15(6) ~~may be completed as temporary monitoring wells for this purpose.~~

- Formed structures. For a formed manure storage structure, at least three temporary monitoring wells shall be installed as close as possible to three corners of the structure, with one of the wells close to the corner of deepest excavation. If the formed structure is circular, the three monitoring wells shall be equally spaced and one well shall be placed at the point of deepest excavation.

(2) The seasonal high water table shall be determined by measuring the ground water level in the temporary monitoring wells not earlier than seven days following installation and shall include consideration of NRCS Soil Survey information, soil characteristics. ~~The monitoring well measurements, along with evaluation of site soils for indicatives features such as color and mottling, other existing water table data, and other pertinent information shall be used to determine the average annual high water table.~~ If a drainage system for artificially lowering the groundwater table will be installed in accordance with the requirements of paragraph 65.15(7)“b,” the level to which the groundwater table will be lowered will be considered to represent the ~~average annual~~ seasonal high water table.

(3) Test Pits. The department may require the use of test pits in lieu of temporary monitoring wells if seasonal variation in climatic patterns, soil and geologic conditions prevent accurate determination of seasonal high water table or prior to the construction of an unformed manure storage structure liner to ensure that the required separation distance to the seasonal high water table is being met. Test pits shall be configured 3ft. x 4ft. x 4ft., or equivalent volume. The bottom of each pit shall be two feet below the floor of the proposed anaerobic lagoon, or earthen manure storage basin, earthen aerobic structure or runoff control basin. Each pit shall remain open and unaltered for a minimum of 7 days for viewing by the department or Natural Resource Conservation Service qualified staff for the determination of soil characteristics and related groundwater influence. Adequate protection (temporary berms and covers) shall be provided to prevent surface runoff from entering the test pits. Test pits shall be located in each corner and one in the center of the proposed manure control structure, unless otherwise specified by the department. Description of the materials present in test pit shall be documented via:

- (1) digital photos,
- (2) description of soils including mottling,
- (3) construction specifications,
- (4) weather conditions both prior and during period test pits are open.

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## **CONTRACT FOR BEACH MONITORING SERVICES WITH THE UNIVERSITY OF IOWA – 2004**

Janice Boekhoff, in the Water Monitoring Section presented the following item.

The Department requests Commission approval of a contract with the University of Iowa Hygienic Laboratory for field and laboratory services totaling \$91,475. The contract is titled: 2004 State and County Park Beach Bacterial Analyses.

The purpose of this contract is to measure the levels of indicator bacteria present in the water of all 37 state-owned beaches and to identify those factors that place beaches at higher risk for fecal contamination. Bacteria will be monitored by the University Hygienic Laboratory from May 24, 2004 through October 31<sup>st</sup> to information on bacteria levels. Normally sampling would begin in April, however questions about the Department's budget in April required delaying sampling until May. Also, those beaches that have never tested high with respect to *E. coli* levels, will undergo a less intensive sampling schedule this year (beginning May 24, but ending at Labor Day).

After four years of sampling, fecal coliform will no longer be part of the testing due to its high level of correlation with *Escherichia coli* indicator bacteria. Enterococci bacteria will continue to be analyzed from all state park samples and will be measured on a weekly basis. Samples for each beach will be a "composite" or mixture of nine individual samples taken from different points along the beach. Standard field parameters such as dissolved oxygen levels, water turbidity, pH, and water temperature will also be assessed to see if these easily measured parameters provide an "early warning" indication for high bacteria levels.

New to the program this year is the addition of county beach sampling. Thirty-five counties will sample beach areas and submit samples to UHL for analysis. This contract pays for the laboratory analysis and shipping of those samples.

Funding for this contract is available from Environment First Funds state infrastructure dollars.

*Motion was made by Jerry Peckumn to approve the contract as presented. Seconded by Lori Glanzman. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **CONTRACT – AMEND CONTRACT WITH IOWA STATE UNIVERSITY FOR LAKE MONITORING SERVICES**

Janice Boekhoff, in the Water Monitoring Section presented the following item.

The Department requests Commission approval of a \$520,005 contract amendment (Amendment Number 4) with Dr. John Downing and the Iowa State Water Resources Research Institute to continue lake monitoring services for the time period of June 1, 2004 through June 30, 2005. The original contract was for \$474,539 and the total contract amount to date is \$2,001,578. The contract is titled: Iowa Lakes Survey, 2000 - 2004.

The purpose of this contract is to collect and analyze a wide variety of water quality parameters from 132 publicly owned lakes throughout Iowa. This data will be used to understand lake water quality, spatial and temporal variability, and to identify and understand water quality trends. This amendment will extend services for the fifth year of a proposed five year study of lakes. The contractor successfully conducted the first four years of the program. Additionally, the

contract will include analyses for cyanobacteria toxins and will incorporate lake sediment sampling that was postponed from year 4.

Funding for this contract is available from the Environment First Funds - Water Quality Initiative.

Darrell Hanson abstained due to a working relationship with the participant.

*Motion was made by Jerry Peckumn to approve the contract as presented. Seconded by Donna Buell. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **BROWNFIELD REDEVELOPMENT PROGRAM OVERVIEW**

Mel Pins, of the Geological and Land Quality Bureau presented the following item.

This brief is provided to the Commission as an overview of new department initiatives on Brownfield redevelopment, as funded and supported by the United States Environmental Protection Agency (EPA).

Brownfields are abandoned, idled, or underused industrial and commercial properties, where resale or redevelopment has been hindered by known or suspected environmental contamination at the site. As an example, a Brownfield may be the site of a former factory, dry cleaner, fertilizer plant, chemical warehouse, or a petroleum bulk plant. It is estimated that more than 10,000 Brownfield sites exist in Iowa.

Recognizing that many properties with limited contamination have languished, affecting the economic vitality and quality of life within their communities, the EPA began a concerted effort in 1995 to provide programs and funding to encourage investigation and mitigation practices to address environmental issues at sites, while ultimately encouraging redevelopment.

### Iowa Brownfield Redevelopment Program

The EPA has committed \$50 million to state governments for the establishment of statewide programs to address Brownfield issues. In 2003 the department applied for grant funds through the EPA, and was awarded \$773,000 for the Federal fiscal year 2004 (October 1, 2003 through September 30, 2004), of which \$250,000 has been allocated to the Iowa Department of Economic Development (IDED) for remediation loan incentives. EPA has budgeted an additional \$821,000 for receipt by the department the Federal fiscal year 2005 (beginning October 1, 2004 – September 30, 2005).

Through the cooperation of the department and IDIED, these monies will be used for support and funding for the Iowa Brownfield Redevelopment Program. This program is designed to provide Iowa communities, businesses, and local governments with scientific, technical, and financial

resources to assess environmental concerns at a Brownfield, with the goal to move the site into redevelopment and reuse.

With a concerted effort to focus the program toward smaller cities and rural communities, resources through the Iowa Brownfield Redevelopment Program will be implemented as follows:

- **Targeted Site Assessments** - Department staff will be available to conduct on-site environmental testing and assessment work to help property owners or potential buyers determine what cleanup is needed, if any, and how the site can best be reused to protect the environment and public health.
- **Land Recycling Program** - This voluntary program gives owners or other stakeholders of a property the option to assess the environmental conditions at their site, and if appropriate remediation or cleanup is completed the department will provide limited liability protection from further regulatory action by the EPA, relative to the problem addressed.
- **Grants and Loans** - The department and IDED can provide competitive cost-share grants and loans to eligible Brownfield sites to assist with remediation and cleanup costs. Applicants must demonstrate financial need and should demonstrate the leveraging of other public and private resources.
- **Technical Reviews** - Many site owners or potential buyers have already had environmental investigations and testing completed, but are unsure of what the results really mean to them, or what actions are needed. Department staff can help interpret these results and determine what further actions are warranted.
- **Research and Resources** - The department can assist in evaluating and understanding site conditions, through our extensive resources and research on area geology, groundwater characteristics, aerial photography, mapping, and public records on known environmental releases. IDED staff can also help identify additional financial resources for remediation, redevelopment, reinvestment, and job creation at Brownfield sites.

The department is just beginning implementation of these efforts through the Iowa Brownfield Redevelopment Program, and these initiatives will continue on a multi-year plan with EPA. As the program matures the commission will be provided updates on specific projects, plans, and outcomes through the program's components.

For more information, you may contact Mel Pins at 515-281-8489 or by e-mail at [mel.pins@dnr.state.ia.us](mailto:mel.pins@dnr.state.ia.us)

(A brochure of additional information related to the Brownfield Redevelopment can be located in the Department's Record Center.)

|                           |
|---------------------------|
| <b>INFORMATIONAL ONLY</b> |
|---------------------------|

**FINAL RULE – CHAPTER 137 “IOWA LAND RECYCLING PROGRAM AND RESPONSE ACTION STANDARDS”**

Bob Drustrup, Environmental Engineer in the Geological Survey and Land Quality Bureau presented the following item.

The department has been negotiating a memorandum of agreement (MOA) with the U.S. Environmental Protection Agency (EPA) regarding the Iowa Land Recycling Program (LRP). With the MOA the EPA will agree *not* to take action at sites enrolled in the Iowa Land Recycling Program – a very attractive incentive for potential enrollees. Statutory changes were made in 2002 (HF 2417) to Iowa Code Chapter 455H "Iowa Land Recycling and Environmental Remediation Standards Act" to address some of EPA's concerns about the LRP. The proposed amendments to IAC Chapter 137 incorporate these statutory changes and address several other concerns of EPA regarding the LRP that must be resolved prior completing the MOA. The proposed amendments include the major items listed below in addition to various minor corrections and clarifications.

- Including protection from dermal contact to contaminants in soil in the determination of soil standards.
- Specifying a minimal level of protection for situations where exposure may occur to multiple contaminants and/or multiple routes of exposure (e.g., drinking water and contact with soil).
- Changing how standards are determined for chemicals that are classified as possible carcinogens to be consistent with the methods used to establish drinking-water standards for such chemicals.
- Specifying minimum requirements for notifying the public and soliciting public input.
- Specifying requirements for evaluating possible migration of contaminants from one medium to another (e.g., contaminants in soil migrating to groundwater).
- Simplifying site-specific standards for soil.

The first 3 bullets will result in slightly more stringent requirements. The last bullet should make it easier to comply with site-specific soil standards.

A Notice of Intended Action was published on April 14, 2004, as ARC 3283B. A public hearing was held on May 5, 2004. No oral or written comments were received at the public hearing. However, written comments were received from one party. Several changes were made in response to the comments, which are summarized as follows:

- A minor revision was made to the definition of "target organ".
- A modification to the method for calculating standards for Cancer Group C (possible human carcinogens) in nonprotected groundwater and soil was made to Tables I, II and III. This change will result in higher values for some individual Cancer Group C chemicals, but will result in no net difference in the compliance with cumulative risk.
- New subrule 137.6(7) was added that will enable compliance to be determined by cumulative risk, based on residential exposure, while not necessarily complying with statewide standards for individual chemicals in soils. Unlike other site-specific soil standards, no institutional control will be required with this new standard.

- Several changes were made to new paragraph 137.8(3)"I" to make new requirements more practical for assessing migration of contaminants from one medium to another.
- New subrule 137.10(7) was revised to allow compliance to be based on cumulative risk only, instead of compliance based on cumulative risk in addition to compliance with standards for individual contaminants.

*Motion was made by Francis Thicke to approve the item as presented. Seconded by Terry Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**FINAL RULE – 567 CHAPTER 49 “NON PUBLIC WATER SUPPLY WELLS” AND IAC CHAPTER 82 “WELL CONTRACTOR CERTIFICATION”**

Brent Parker, Environmental Engineer in the Water Supply Operations Section presented the following item.

Commission approval is requested for adoption of the revised IAC 567 Chapter 49, “Nonpublic Water Supply Wells” and IAC 567 Chapter 82, “Well Contractor Certification”. Notice of Intended Action was published in the Iowa Administrative Bulletin XXVI, Number 19 (ARC 3222B 1509) on March 17, 2004.

The amendments being proposed to Chapter 49 would:

- Set technical requirements for proper installation of well pumps and related plumbing up to the pressure tank.
- Amend the purpose, add technical definitions and expand the sections addressing proper pump and plumbing installation.

The amendments being proposed to Chapter 82 would:

- Add the additional category of certified pump installer contractor.
- Add definitions for pump services and define who may perform well services and pump services.
- Exempt public water supply operators from pump installer certification requirements.
- Set testing, fee and continuing education requirements for pump installers.
- Establish a general test and technical tests for well drillers and pump installers.
- Establish a peer advisory committee to help the department review application experience requirements and recommend future rule modifications.
- Set the sign-up period for registration without testing established in the law.

The amendments to these chapters were developed by a stakeholder committee authorized by HF 583 (2003 Iowa Code 455B.190A) and reviewed by DNR Water Supply Section engineers.



Seven public hearings were held to receive public input, one in each of the following communities: Des Moines, Atlantic, Storm Lake, Mason City, Manchester, Washington and Centerville. The public comment period was from April 6 through April 23, 2004. The public comments are detailed in the attached Responsiveness Summary. There were ten modifications of the proposed water well construction and contractor certification rules as noted in the Summary.

Changes were made to what was originally proposed in Items 9, 11, 12, and 13 dealing with specific well construction standards. Changes were made to what was originally proposed in Items 16 and 19 dealing with applicability for monitoring wells, work experience requirements and record submission. The rest of the items remain unchanged from the original Notice of Intended Action.

*Motion was made by Jerry Peckumn to approve the final rule as presented. Seconded by Terry Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **2004 LABORATORY CERTIFICATION AGREEMENT WITH UNIVERSITY OF IOWA**

Charlotte Henderson, in the Water Supply Section presented the following item.

The commission is asked to approve the expenditure of funds for an agreement with the University of Iowa's Hygienic Laboratory (UHL) for Environmental Laboratory Certification services for calendar years 2004 and 2005.

This agreement is entered into with the intent of assisting the Director of the IDNR in determining the qualifications of laboratories requesting environmental certification for the analysis of:

- drinking water for compliance with the Safe Drinking Water Act (SDWA) program,
- water and soil samples for compliance with the Underground Storage Tank (UST) program,
- treated and untreated wastewater, surface and groundwater, sludge and soils for compliance with the State wastewater program (WW), and,
- solid waste and contaminated site (SW/CS) samples for compliance with State solid waste and contaminated sites program.

The amount of the two year agreement is estimated at \$300,000.

The agreement amount is an estimate because actual cost will be based on the number of laboratories applying for certification or re-certification in the two year period. The agreement amount reflects UHL's best estimate of their actual costs plus the UHL's indirect cost rate.

Under Iowa Code 455B.103, the department is required to contract with the UHL for these services unless the required services cannot be provided by the UHL.

The fees paid by laboratories are used to support 100% of the cost of the environmental laboratory certification program.

*Motion was made by Lori Glanzman to approve the agreement with the University of Iowa. Seconded by Terry Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### **SFY 2005 DNR/UHL AIR QUALITY BUREAU SUPPORT CONTRACT**

Catherine Fitzsimmons, Bureau Chief of Air Quality presented the following item.

The Commission will be asked to approve the interagency agreement between the Department and the University of Iowa Hygienic Lab (UHL). The agreement provides UHL support of Air Quality Bureau activities including ambient air monitoring, ambient air modeling, and asbestos sample analysis.

The agreement is for the period of July 1, 2004 through June 30, 2005. The agreement establishes variable payments, totaling \$1,651,658. This contract is funded by the air contaminant fund, \$760,786, federal grant, \$258,228, 103 federal grant, \$441,080, state infrastructure fund, \$50,000, and state livestock (central office) fund, \$141,564. The agreement amount for last year was \$2,264,104. Decreases in the contract amount are a result of several UHL staff being converted to State employees. Increases in specific items in the contract are associated with operation and maintenance and staff costs.

*Motion was made by Donna Buell to approve the contract as presented. Seconded by Lori Glanzman. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### **CONTRACT – LAMAR ADVERTISING    CONTRACT – CLEAR CHANNEL OUTDOOR CONTRACT – CLEAR CHANNEL COMMUNICATIONS**

Catharine Fitzsimmons, Bureau Chief of the Air Quality Bureau presented the following item.

#### Outdoor Advertising

1. Contract with Lamar Advertising
2. Contract with Clear Channel Outdoor

The Commission will be asked to approve the attached contracts with Lamar Advertising and Clear Channel Outdoor, for the purpose of promoting the Smoking Tailpipe program with outdoor advertising. The contracts are for advertising during July 1, 2004 through September 30, 2004. Lamar Advertising, which owns billboard posters in east central Iowa will provide rental space in eastern counties and production of 70 billboard posters a month. Clear Channel Outdoor is an advertising company that will provide rental space in the Des Moines Metro area.

Activities under the contracts will include identifying and charting locations with high visibility to motorists. Under the contracts, the companies will also be responsible for billboard upkeep and rotation. The contract with Lamar Advertising will provide funding for the production and distribution of poster billboards to Clear Channel Outdoor. The contracts will also provide both companies with agreed upon rental fees for the outdoor spaces.

Funding for these contracts will come from the Iowa Clean Air Attainment Program (ICAAP) funds. The contract periods will extend from July 1, 2004 through September 30, 2004. Funding for the billboard advertising from the ICAAP grant shall not exceed the budgeted amount of \$120,450.00.

#### Radio Advertising

##### 3. Contract with Clear Channel Communications

The Commission will be asked to approve the attached contract with Clear Channel Communications for the purpose of promoting the Smoking Tailpipe program with radio advertising. Clear Channel Communications is a national radio and media company with ownership of the Iowa Radio Network and other Iowa stations.

Activities under the contract will include buying radio time, producing radio spots, and providing the department with coupon sponsors. Under the contract, Clear Channel Communications will provide a custom package of advertising during the prime driving times of the day, on various network and non-network stations. These stations will include top stations from the Des Moines Metro area and eastern Iowa markets. This package is designed to facilitate education about the Smoking Tailpipe program with focus on eastern Iowa and the Des Moines market.

Funding for this contract will come from the Iowa Clean Air Attainment Program (ICAAP) funds. The contract period will extend from July 1, 2004 through September 30, 2004. Funding for radio advertising from the ICAAP grant shall not exceed \$60,000.

**Information Only:** The Department will also be entering into contracts with Learfield's DriveTime, and public radio groups WOI and KUNI for additional radio advertising.

Activities under the contracts will include buying radio time and producing radio spots. Under the contracts the companies will provide a custom package of advertising during the prime driving times of the day on their respective various network stations. Learfield's DriveTime will be providing 100 messages on top stations from the Des Moines Metro area during traffic reports. WOI and KUNI will be providing messages to both the Des Moines Metro, western and

eastern Iowa markets. This package is designed to facilitate education about the Smoking Tailpipe program with focus on eastern Iowa and the Des Moines market.

Funding for this contract will come from the Iowa Clean Air Attainment Program (ICAAP) funds. The contract period will extend from July 1, 2004 through September 30, 2004. Funding for radio advertising from the ICAAP grant shall not exceed \$11,000.

Christina Iams presented the following information. Additional information regarding the Smoking Tailpipe program and the yearly report was given to Commissioners and can be located in the Departments Record Center.

The Smoking Tailpipe program was established by the DNR – Air Quality Bureau in August of 2000. Two goals established by the DNR were 1) increase public awareness about the program and 2) reduce the emissions from gross polluter. In May 2002, the Air Quality Bureau received funding from the Iowa's Clean Air Attainment Program (ICAAP) to begin a media campaign for the program. The campaign utilized radio and outdoor advertising during the months of June, July, and August 2003. Emphasis was placed on eastern Iowa and the Des Moines Metro area because of their more frequent summertime air quality concerns and concentration of vehicles. DNR's intent through the advertising was to positively encourage vehicle owners to fix their vehicles.

The Smoking Tailpipe Program is a completely voluntary program that enables Iowa's citizens to anonymously report smoking vehicles by calling toll free, 1-888-END-SMOG or by using the Air Quality Bureau website ([www.iowacleanair.com](http://www.iowacleanair.com)). Hand written and faxed reports are also accepted. Once the Air Quality Bureau received the reports, staff members send informative materials to the owners urging them to make an educated decision on vehicle care and to voluntarily taken action. Action can be as simple as "do-it-yourself" repairs, or can require professional service.

Tailpipe exhaust is one of the most significant emissions sources in Iowa. Excessive emissions not only disproportionately contribute to smog and particulate pollution formation, but heighten exposure to hazardous air pollutants such as benzene, formaldehyde, and hydrocarbons. One malfunctioning vehicle can emit as many toxins into the air as 25 perfectly running vehicles would.

Although no enforcement is taken, DNR does have the capacity to enforce the opacity regulations in 567 IAC 23.3(2) "d" (2 and 3) on violators.

(2) Gasoline-powered vehicles. No person shall allow, cause or permit the emission of visible air contaminants from gasoline-powered motor vehicles for longer than five consecutive seconds.

(3) Diesel-powered vehicles. No person shall allow, cause or permit the emission of visible air contaminants from diesel-powered motor vehicles in excess of 40 percent opacity, for longer than five consecutive seconds.

The DNR believes the campaign was a success in raising public awareness. For the three months of the 2003 campaign, the Bureau received 1,112 reports. Prior to the campaign (August 2000 –

May 2003), only 635 reports were made. The campaign benefits carried forward high report rates from September to December 2003, adding 594 reports. Calculations show an additional 306 reports have been received for the months of January 2004, through May 2004.

The advertising campaign served to not only promote the benefits of routine auto maintenance and benefits or repairs, but create program awareness to Iowans concerned about excess emissions. The survey conducted for the campaign shows a tripling of awareness among Iowans (from 10% to 30%). Further, the number of Iowans who said they would report a high emitting vehicle increase to 42%, up from 34%.

Roughly 57 of 125 response cards, from the 2003 campaign, indicated the vehicle was repaired or removed from usage (scrapped or salvaged). This is a voluntary repair rate of 45.6%. Repair costs ranged from \$5 to \$700 dollars. Low costs usually included a PCV valve, or air or oil filter replacements. Moderate costs were usually tune-ups. Several vehicles were junked or sold. One respondent indicated their vehicle was donated to a veteran's group that has a "cash for clunkers" fundraising program.

Focus again will be placed on eastern Iowa and the Des Moines Metro area with radio and billboard advertising. We currently have advertising running on major radio stations through a contract approved in May. Beginning in July, we hope to continue radio advertising and to also being billboard advertising. DNR is also currently working to establish some airtime on public stations WOI and KUNI. By advertising on these stations, the tailpipe message will be heard statewide.

Once again, DNR will be providing coupons as an incentive to get Iowans to make repairs. Currently there are 475 NAPA service centers and part stores on board as coupon providers. DNR also has about 9 sponsors from last year's campaign that have agreed to stay on board.

*Motion was made by Jerry Peckumn to approve the contract as presented. Seconded by Donna Buell. Roll call vote went as follows: Jerry Peckumn – aye; Lori Glanzman – aye; Darrell Hanson – aye; Heidi Vittetoe – nay; Donna Buell – aye; Terry Townsend – aye; Francis Thicke – aye. Motion carried.*

**APPROVED AS PRESENTED**

## **AMENDMENT TO MEMORANDUM OF AGREEMENT (MOA) WITH THE IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT**

Catharine Fitzsimmons, Bureau Chief of the Air Quality Bureau presented the following item.

The Commission is asked to approve an amendment to the Memorandum of Agreement (MOA) between the Department and the Iowa Department of Economic Development (IDED) for the purpose of administering Environmental Business Assistance Programs. These programs facilitate the conservation of Iowa's natural resources, provide technical assistance to Iowa

businesses to enhance environmental protection and business productivity, and help develop a sustainable and prosperous Iowa economy for Iowa citizens.

The MOA assists in improving communication, efficiencies, and coordination of service provided by the following programs: Recycle Iowa, Iowa Waste Exchange, Small Business Air Quality Liaison, Regulatory Assistance, and Brownfield Redevelopment.

The Small Business Air Quality Liaison, a position mandated by Section 507 of the federal Clean Air Act Amendments of 1990, has a cost reimbursable agreement not to exceed \$70,000. The agreement is funded through Title V air quality permitting fees of \$65,000 and a \$5,000 pollution prevention incentives to states grant. The Liaison serves as a non-regulatory contact for small businesses seeking information and assistance related to fulfilling their environmental permitting responsibilities, assists with concerns between Iowa's small businesses and the Department, and ensures that air quality regulations are understandable. The Liaison also works closely with the Department to address evolving issues and to provide additional assistance as needed.

This amendment is being established to revise the following areas of the MOA in regards to the Small Business Air Quality Liaison activities for state fiscal year 2005:

- reoccurring report due dates
- payment schedule
- scope of work

*Motion was made by Terry Townsend to approve the amendment to the MOA with IDED as presented. Seconded by Donna Buell. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **AMENDMENT WITH THE UNIVERSITY OF NORTHERN IOWA'S (UNI) IOWA WASTE REDUCTION CENTER**

Catharine Fitzsimmons, Bureau Chief of the Air Quality Bureau presented the following item.

The Commission will be asked to approve the agreement between the Department and the University of Northern Iowa's Iowa Waste Reduction Center (IWRC). This agreement continues the Iowa Air Emission Assistance Program (IAEAP), which is the technical assistance component of the Small Business Assistance Program as required by Section 507 of the Clean Air Act.

IAEAP assists small businesses with air permitting requirements, emission estimations, and determination of regulatory status and compliance requirements. They also provide small businesses with on-site visitations for compliance and pollution prevention assistance, and information concerning alternative technologies, process changes, procedures and methods of operation that help reduce air pollution.

The agreement is for the period of July 1, 2004 through June 30, 2005. The agreement is a variable cost based, allowing for quarterly payments not to exceed \$415,650. The agreement is funded through Title V air quality permitting fees. This is an increase of \$19,793 from the prior year due to increased costs of salary, benefits, and in-state travel.

*Motion was made Terry Townsend to approve the agreement as presented. Seconded by Jerry Peckumn. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### **NOTICE OF INTENDED ACTION: AIR QUALITY PROGRAMS RULES CHAPTERS 22, 23 AND 25, UPDATES, REVISIONS AND ADDITIONS**

Catharine Fitzsimmons, Bureau Chief of the Air Quality Bureau presented the following item.

The department is requesting permission to proceed with the rulemaking process and publish a Notice of Intended Action to amend Chapter 22 "Controlling Pollution," Chapter 23 "Emission Standards for Contaminants," and Chapter 25 "Measurement of Emissions" of the 567 Iowa Administrative Code.

As presented to the Commission last month in an information item, the proposed rulemaking consists of the following:

- Modifies two existing exemptions from construction permitting to allow for the burning of untreated seeds, pellets, and other vegetative materials in residential heating units.
- Makes date modifications to reference the most recent date for which changes to 40 Code of Federal Regulations, Part 60, 61, and 63, were published.
- Rescinds subrule 22.2(3).
- Adopts by reference 15 recently promulgated federal NESHAPS.
- Makes minor corrections and updates to the rules.

In addition to the items presented last month, this notice also includes items that provide clarifications in Chapter 25 that the maintenance of records of continuous monitors, reporting of continuous monitoring information, exemptions from continuous monitoring requirements, and requests for extensions of time to install monitoring equipment are applicable to all owners and operators who are required to install continuous monitors, not just owners or operators of coal fired steam generating units or sulfuric acid plants. Additional minor corrections and updates to Chapters 22 and 23 have also been added to the notice since last month.

If permission is granted to proceed with this rulemaking, a public hearing will be held on August 23, 2004, at 1:00 PM in Conference Room 1 at the department's Air Quality Bureau office. The public comment period will end on August 27, 2004.

*Motion was made by Jerry Peckumn to approve the Notice of Intended Action as presented. Seconded by Heidi Vittetoe. Motion carried unanimously.*

**APPROVED AS PRESENTED**

Catherine Fitzsimmons invited the Commissioners to the One-Year Report Out for our process improvement event on July 8<sup>th</sup>, at 10:00 in the conference rooms at Air Quality.

### **SOLID WASTE ALTERNATIVES PROGRAM – RECOMMENDATIONS**

Tammie Krausman, with the Environmental Services Division presented the following item.

The Department received 20 proposals, requesting over \$1,432,000 in financial assistance, for consideration during the April 2004 round of funding. Ten (10) projects were selected for funding or additional consideration. If approved they will receive \$507,454 in a combination of forgivable loans and zero interest loans.

The review committee consisted of five persons representing the Energy and Waste Management Bureau (Valerie Drew & Jeff Geerts), Iowa Society of Solid Waste Operations (Tom Hadden), Iowa Recycling Association (Michaela Rich), and the Iowa Waste Exchange (John Koch).

The table below summarizes recommendations by applicant and project type and by the type of award.

| <b>Recommended By Applicant Type</b> | <b># Awards</b> | <b>Award Amount</b> | <b>Forgivable Loan Portion</b> |
|--------------------------------------|-----------------|---------------------|--------------------------------|
| Local Government                     | 2               | \$44,988            | \$44,988                       |
| Private For Profit                   | 5               | \$312,484           | \$164,000                      |
| Private Not For Profit               | 3               | \$149,982           | \$126,000                      |
| <b>Recommended By Project Type</b>   | <b># Awards</b> | <b>Award Amount</b> | <b>Forgivable Loan Portion</b> |
| Best Practices                       | 7               | \$423,566           | \$251,000                      |
| Market Development                   | 1               | \$25,000            | \$25,000                       |
| Education                            | 2               | \$58,988            | \$58,988                       |
| <b>Type of Award</b>                 | <b># Awards</b> | <b>Award Amount</b> | <b>Forgivable Loan Portion</b> |
| Forgivable loan only                 | 7               | \$234,988           | \$234,988                      |
| Forgivable and 0% loan only          | 3               | \$272,466           | \$100,000                      |



At this time, the Department is requesting Commission approval to enter into contracts with selected applicants whose awards will be in excess of \$25,000 subject to satisfactory review of additional requested information, review of business plans, final negotiation of budget, match, and deliverables.

A description of each recommended project, the project type, the amount and type of funding assistance is attached followed by a description of other proposals received but not recommended for funding.

### **PROPOSAL RECOMMENDATIONS – APRIL 2004**

The Department received twenty (20) proposals, requesting over \$1,432,000 in financial assistance, for consideration during the April 2004 round of funding. Ten (10) projects were selected for funding. If all are approved they will receive \$507,454 in a combination of forgivable loans and zero interest loans.

The following provides a brief description of each project, the project type, and the amount and type of funding assistance if recommended. The descriptions are organized as projects above \$25,000, those \$25,000 and below, and proposals received but not selected.

#### **PROPOSAL RECOMMENDATIONS: ABOVE \$25,000**

##### **BEST PRACTICES PROJECTS**

|                 |  |                     |              |
|-----------------|--|---------------------|--------------|
| T & W Grinding  |  | Forgivable Loan:    | \$50,000     |
| PO Box 254      |  | Zero Interest Loan: | \$130,000    |
| Delhi, IA 52223 |  | 3% Interest Loan    | <u>\$0</u>   |
|                 |  | Total Award Amount: | \$180,000    |
|                 |  | Cash Match:         | \$60,000     |
|                 |  | In-Kind Match:      | \$65,000     |
|                 |  | Local Match:        | \$125,000    |
|                 |  | Total Project Cost: | \$305,000    |
| Project Title:  | Custom Compost Services  |                     |              |
| Contact:        | Lee Wilson   | Phone:              | 563-922-2651 |
| Project Type:   | Best Practices   |                     |              |
| Applicant:      | Private For Profit   |                     |              |
| Description:    | The applicant proposes to provide custom composting services (grinding, compost windrowing, windrow turning, screening) for communities. Services of the applicant are designed to assist communities meet their composting requirements without the large |                     |              |

|              |   |
|--------------|---|
|              | capital outlay for purchasing specific composting equipment for small composting operations. Funding is requested for the purchase of equipment and a semi-tractor trailer. |
| Target Area: | East half of Iowa   |

|  |   |
|--|---|
| Habitat for Humanity – Quad Cities<br>3629 Mississippi Ave., Suite B<br>Davenport, IA 52807-1905 | Forgivable Loan: \$60,000<br>Zero Interest Loan: \$0<br>3% Interest Loan: <u>\$0</u><br>Total Award Amount: \$60,000<br><br>Cash Match: \$0<br>In-Kind Match: \$60,000<br>Local Match: \$60,000<br><br>Total Project Cost: \$120,000  |
| Project Title:   | Habitat Restore   |
| Contact:   | Cindy Kuhn  |
| Project Type:  | Best Practices  |
| Applicant:   | Private Not For Profit  |
| Description:   | The applicant is proposing to hire two half-time positions over a two-year period. One position is dedicated to promote additional donations of usable material to the facility by working with building supply centers, builders, and contractors. The other position is dedicated to increase public awareness of material availability as a means of maximizing the customer base. Applicant goal is to reuse nearly 200 tons of carpeting, flooring, windows, doors, fixtures and other home improvement materials. |
| Target Area:   | Scott County and adjacent Illinois counties   |

|   |  |
|---|--|
| Bailey's Services<br>1540 5 <sup>th</sup> Avenue SE<br>Cedar Rapids, IA 52403 | Forgivable Loan: \$30,000<br>Zero Interest Loan: \$18,484<br>3% Interest Loan: <u>\$0</u><br>Total Award Amount: \$48,484<br><br>Cash Match: \$16,161<br>In-Kind Match: \$53,100<br>Local Match: \$69,261<br><br>Total Project Cost: \$117,745 |
| Project Title:  | Construction Material Recycling  |

|               |   |        |              |
|---------------|---|--------|--------------|
| Contact:      | Meril Bailey  | Phone: | 319-362-4047 |
| Project Type: | Best Practices  |        |              |
| Applicant:    | Private For Profit  |        |              |
| Description:  | The applicant provides clean up services for currently landfilled materials at construction sites in the Cedar Rapids area with. A permanent facility where cleanup materials will be sorted and marketed (i.e. large pieces of dimensional lumber, wood sheeting, metal, etc.) will allow over 2,000 tons of C&D to be recycled over a three-year period. Financial assistance is requested to equip the permanent facility and for the purchase of trucks and trailers. |        |              |
| Target Area:  | East-central Iowa   |        |              |

|                          |  |                              |
|--------------------------|--|------------------------------|
| DAC, Inc.                | Forgivable Loan:   | \$20,000                     |
| 1710 E. Maple Street     | Zero Interest Loan:  | \$23,982                     |
| Maquoketa, IA 52060-9214 | 3% Interest Loan   | <u>\$0</u>                   |
|                          | Total Award Amount:  | \$43,982                     |
|                          | Cash Match:  | \$24,965                     |
|                          | In-Kind Match:   | \$19,016                     |
|                          | Local Match:   | \$43,981                     |
|                          | Total Project Cost:  | \$87,963                     |
| Project Title:           | Recycling Center Improvements  |                              |
| Contact:                 | Lenae Owen   | Phone: 563-652-5252 ext. 117 |
| Project Type:            | Best Practices   |                              |
| Applicant:               | Private Not For Profit   |                              |
| Description:             | The applicant provides employment services to individuals with disabilities and has operated a recycling center since 1990 on behalf of Jackson County. In 2003, DAC recycled 1,535 tons of material. The proposed project involves upgrading the facility through repairs to the building, expanding the public outdoor drop-off center, and equipment purchase and repair. |                              |
| Target Area:             | Jackson County   |                              |

|   |                     |            |
|---|---------------------|------------|
| Greater Des Moines Habitat for Humanity | Forgivable Loan:    | \$46,000   |
| 2341 2 <sup>nd</sup> Avenue             | Zero Interest Loan: | \$0        |
| Des Moines, IA 50303                    | 3% Interest Loan    | <u>\$0</u> |
|   | Total Award Amount: | \$46,000   |
|   | Cash Match:         | \$62,860   |
|   | In-Kind Match:      | \$46,640   |
|   | Local Match:        | \$109,500  |

|                |   |                     |
|----------------|---|---------------------|
|                | Total Project Cost:   | \$155,500           |
| Project Title: | Greater Des Moines Habitat ReStore  |                     |
| Contact:       | Mark Elliot   | Phone: 515-471-8686 |
| Project Type:  | Best Practices  |                     |
| Applicant:     | Private Not For Profit  |                     |
| Description:   | The applicant is requesting funding to expand their reuse facility and expand operations. The applicant that accepts lightly used, discontinued and overstocked materials from several area home improvement retailers in the area. These materials are then available for resale. Through increasing the square footage of the facility, the applicant can meet demand for materials and set a goal of 350 tons of material sold annually. |                     |
| Target Area:   | Greater Des Moines area   |                     |

### EDUCATION PROJECTS

|                        |  |             |                     |            |
|------------------------|--|-------------|---------------------|------------|
| Barker                 | Lemar  | Engineering | Forgivable Loan:    | \$39,000   |
| Consultants            |  |             | Zero Interest Loan: | \$0        |
| 1801 Industrial Circle |  |             | 3% Interest Loan    | <u>\$0</u> |
| West Des Moines, IA    | 50265  |             | Total Award Amount: | \$39,000   |
|                        |  |             | Cash Match:         | \$41,000   |
|                        |  |             | In-Kind Match:      | \$0        |
|                        |  |             | Local Match:        | \$41,000   |
|                        |  |             | Total Project Cost: | \$80,000   |
| Project Title:         | Promoting Proper Management of Organic Material  |             |                     |            |
| Contact:               | Matt Nieswender  | Phone:      | 515-256-8814        |            |
| Project Type:          | Education  |             |                     |            |
| Applicant:             | Private For Profit   |             |                     |            |
| Description:           | The applicant is proposing to design a campaign to educate and change the management practices of public employees and private contractors involved in disaster debris management, land clearing, and yard/tree waste management. The project will promote grinding and composting as an alternative to burning and burial for difficult to manage materials like disaster debris, large trees and stumps. etc. Funds are requested for program design, marketing, training, material distribution and presentations |             |                     |            |
| Target Area:           | State of Iowa  |             |                     |            |

|  |
|--|
| PROPOSAL RECOMMENDATIONS: \$25,000 AND BELOW |
|--|

BEST PRACTICES PROJECTS

|   |   |                     |              |
|---|---|---------------------|--------------|
| Island Ink-Jet<br>1751 Madison Ave., Space 5537<br>Council Bluffs, IA 51503 |   | Forgivable Loan:    | \$20,000     |
|   |   | Zero Interest Loan: | \$0          |
|   |   | 3% Interest Loan    | <u>\$0</u>   |
|   |   | Total Award Amount: | \$20,000     |
|   |   | Cash Match:         | \$10,500     |
|   |   | In-Kind Match:      | \$142,347    |
|   |   | Local Match:        | \$152,847    |
|   |   | Total Project Cost: | \$172,847    |
| Project Title:  | Expansion Project   |                     |              |
| Contact:  | Ryan Loftin   | Phone:              | 402-212-2035 |
| Project Type:   | Best Practices  |                     |              |
| Applicant:  | Private For Profit  |                     |              |
| Description:  | The applicant is proposing to open a store in a Council Bluff's mall to recycle inkjet cartridges found in computers and fax machines and laser toner cartridges found in printers. The company currently operates three kiosk recycling facilities in Omaha and Council Bluffs. Applicant goal is to recycle 18,000 cartridges per year. Financial assistance is requested for construction and a recycling machine. |                     |              |
| Target Area:  | Southwest Iowa  |                     |              |

|  |  |                     |              |
|--|--|---------------------|--------------|
| City of Maharishi Vedic City<br>1973 Grand Drive<br>Maharishi Vedic City, IA 52556 |  | Forgivable Loan:    | \$25,000     |
|  |  | Zero Interest Loan: | \$0          |
|  |  | 3% Interest Loan    | <u>\$0</u>   |
|  |  | Total Award Amount: | \$25,000     |
|  |  | Cash Match:         | \$21,525     |
|  |  | In-Kind Match:      | \$19,950     |
|  |  | Local Match:        | \$41,475     |
|  |  | Total Project Cost: | \$66,475     |
| Project Title:   | City Composting  |                     |              |
| Contact:   | Kent Boyum   | Phone:              | 641-470-7000 |
| Project Type:  | Best Practices   |                     |              |
| Applicant:   | Local Government   |                     |              |
| Description:   | The newly incorporated community proposes to initiate a composting program for yard and food wastes. Organic wastes from |                     |              |

|   |  |                  |          |                     |     |                  |     |                     |          |             |          |                |          |              |          |                     |          |
|---|--|------------------|----------|---------------------|-----|------------------|-----|---------------------|----------|-------------|----------|----------------|----------|--------------|----------|---------------------|----------|
| households, restaurants, and hotels are initially targeted. Applicant estimates that 13 tons of organics will be composted based on the current population of 1,775 (residents and students). |  |                  |          |                     |     |                  |     |                     |          |             |          |                |          |              |          |                     |          |
| Target Area:  | City of Maharishi Vedic City   |                  |          |                     |     |                  |     |                     |          |             |          |                |          |              |          |                     |          |
| Creekside Sawmill<br>1149 Deacon Avenue<br>Fairbank, IA 50629   | <table> <tr> <td>Forgivable Loan:</td><td>\$25,000</td></tr> <tr> <td>Zero Interest Loan:</td><td>\$0</td></tr> <tr> <td>3% Interest Loan</td><td>\$0</td></tr> <tr> <td>Total Award Amount:</td><td>\$25,000</td></tr> <tr> <td>Cash Match:</td><td>\$13,000</td></tr> <tr> <td>In-Kind Match:</td><td>\$12,000</td></tr> <tr> <td>Local Match:</td><td>\$25,000</td></tr> <tr> <td>Total Project Cost:</td><td>\$50,000</td></tr> </table> | Forgivable Loan: | \$25,000 | Zero Interest Loan: | \$0 | 3% Interest Loan | \$0 | Total Award Amount: | \$25,000 | Cash Match: | \$13,000 | In-Kind Match: | \$12,000 | Local Match: | \$25,000 | Total Project Cost: | \$50,000 |
| Forgivable Loan:  | \$25,000   |                  |          |                     |     |                  |     |                     |          |             |          |                |          |              |          |                     |          |
| Zero Interest Loan:   | \$0  |                  |          |                     |     |                  |     |                     |          |             |          |                |          |              |          |                     |          |
| 3% Interest Loan  | \$0  |                  |          |                     |     |                  |     |                     |          |             |          |                |          |              |          |                     |          |
| Total Award Amount:   | \$25,000   |                  |          |                     |     |                  |     |                     |          |             |          |                |          |              |          |                     |          |
| Cash Match:   | \$13,000   |                  |          |                     |     |                  |     |                     |          |             |          |                |          |              |          |                     |          |
| In-Kind Match:  | \$12,000   |                  |          |                     |     |                  |     |                     |          |             |          |                |          |              |          |                     |          |
| Local Match:  | \$25,000   |                  |          |                     |     |                  |     |                     |          |             |          |                |          |              |          |                     |          |
| Total Project Cost:   | \$50,000   |                  |          |                     |     |                  |     |                     |          |             |          |                |          |              |          |                     |          |
| Project Title:  | Wood Waste Chipper   |                  |          |                     |     |                  |     |                     |          |             |          |                |          |              |          |                     |          |
| Contact:  | Perry Kauffman   |                  |          |                     |     |                  |     |                     |          |             |          |                |          |              |          |                     |          |
| Project Type:   | Market Development   |                  |          |                     |     |                  |     |                     |          |             |          |                |          |              |          |                     |          |
| Applicant:  | Private For Profit   |                  |          |                     |     |                  |     |                     |          |             |          |                |          |              |          |                     |          |
| Description:  | The applicant proposes to chip the 3,500 tons of waste wood generated by sawmill operations and market it to an Iowa bedding and mulch company. The company is requesting funds to purchase a chipper and conveyors.   |                  |          |                     |     |                  |     |                     |          |             |          |                |          |              |          |                     |          |
| Target Area:  | Buchanan County  |                  |          |                     |     |                  |     |                     |          |             |          |                |          |              |          |                     |          |

### EDUCATION PROJECTS

|  |   |                  |          |                     |     |                  |     |                     |          |             |         |                |          |              |          |                     |          |
|--|---|------------------|----------|---------------------|-----|------------------|-----|---------------------|----------|-------------|---------|----------------|----------|--------------|----------|---------------------|----------|
| Rural Iowa Waste Management Association<br>PO Box 121<br>Allison, IA 50602 | <table> <tr> <td>Forgivable Loan:</td><td>\$19,987</td></tr> <tr> <td>Zero Interest Loan:</td><td>\$0</td></tr> <tr> <td>3% Interest Loan</td><td>\$0</td></tr> <tr> <td>Total Award Amount:</td><td>\$19,987</td></tr> <tr> <td>Cash Match:</td><td>\$6,663</td></tr> <tr> <td>In-Kind Match:</td><td>\$13,400</td></tr> <tr> <td>Local Match:</td><td>\$20,063</td></tr> <tr> <td>Total Project Cost:</td><td>\$40,050</td></tr> </table> | Forgivable Loan: | \$19,987 | Zero Interest Loan: | \$0 | 3% Interest Loan | \$0 | Total Award Amount: | \$19,987 | Cash Match: | \$6,663 | In-Kind Match: | \$13,400 | Local Match: | \$20,063 | Total Project Cost: | \$40,050 |
| Forgivable Loan:   | \$19,987  |                  |          |                     |     |                  |     |                     |          |             |         |                |          |              |          |                     |          |
| Zero Interest Loan:  | \$0   |                  |          |                     |     |                  |     |                     |          |             |         |                |          |              |          |                     |          |
| 3% Interest Loan   | \$0   |                  |          |                     |     |                  |     |                     |          |             |         |                |          |              |          |                     |          |
| Total Award Amount:  | \$19,987  |                  |          |                     |     |                  |     |                     |          |             |         |                |          |              |          |                     |          |
| Cash Match:  | \$6,663   |                  |          |                     |     |                  |     |                     |          |             |         |                |          |              |          |                     |          |
| In-Kind Match:   | \$13,400  |                  |          |                     |     |                  |     |                     |          |             |         |                |          |              |          |                     |          |
| Local Match:   | \$20,063  |                  |          |                     |     |                  |     |                     |          |             |         |                |          |              |          |                     |          |
| Total Project Cost:  | \$40,050  |                  |          |                     |     |                  |     |                     |          |             |         |                |          |              |          |                     |          |
| Project Title:   | Get In The Loop!  |                  |          |                     |     |                  |     |                     |          |             |         |                |          |              |          |                     |          |
| Contact:   | Shelene Codner  |                  |          |                     |     |                  |     |                     |          |             |         |                |          |              |          |                     |          |
| Project Type:  | Education   |                  |          |                     |     |                  |     |                     |          |             |         |                |          |              |          |                     |          |
| Applicant:   | Local Government  |                  |          |                     |     |                  |     |                     |          |             |         |                |          |              |          |                     |          |
| Description:   | The solid waste agency is proposing to develop a coordinated education campaign for the four-county service area as outlined in   |                  |          |                     |     |                  |     |                     |          |             |         |                |          |              |          |                     |          |

|              |  |
|--------------|--|
|              | their solid waste comprehensive plan. The applicant will offer several activities including direct presentations and hands-on programs, cultivate partnerships with such groups as local law enforcement, conservation agencies, schools, etc., and will utilize local media and website. Topics to be covered include energy and waste reduction, recycling, household hazardous materials, illegal dumping, etc. |
| Target Area: | Counties of Butler, Hamilton, Hardin, and Wright   |

## PROPOSALS RECEIVED, NOT RECOMMENDED

|   |  |                     |
|---|--|---------------------|
| Welch Products<br>205 South Garfield<br>PO Box Z<br>Carlisle, Iowa 50047      | Total Amount Requested:  | \$300,000           |
| Project Title:  | Overall Solutions Plan   |                     |
| Contact:  | Tim Mahoney  | Phone: 515-989-0829 |
| Project Type:   | Market Development   |                     |
| Applicant:  | Private For Profit   |                     |
| Description:  | The applicant proposed upgrading their manufacturing facility and equipment. The company produces a variety of value-added products from shredded tires including a rubber safety mat for use on playgrounds and a rubber mat for use under and around poles, signs, trees, fences, etc. to eliminate weed growth and maintenance cost of keeping the weeds trimmed. |                     |
| Hawkeye Wood Shavings, Inc.<br>5511 University Avenue<br>Des Moines, IA 50317 | Total Amount Requested:  | \$190,000           |
| Project Title:  | Equipment Upgrade  |                     |
| Contact:  | Frank Sloan  | Phone: 515-265-6440 |
| Project Type:   | Best Practices   |                     |
| Applicant:  | Private For Profit   |                     |
| Description:  | The applicant proposed to increase the grinding capacity of wood waste at the existing facility through the purchase and installation of a larger grinder.   |                     |
| Iowa State University<br>2207 Pearson, Room 15<br>Ames, IA 50011-2207         | Total Amount Requested:  | \$141,305           |

|                |  |        |              |
|----------------|--|--------|--------------|
| Project Title: | Guidelines for Blanket Applications of Compost   |        |              |
| Contact:       | Kapil Arora  | Phone: | 515-382-6551 |
| Project Type:  | Education  |        |              |
| Applicant:     | Local Government   |        |              |
| Description:   | The applicant proposed to develop guidelines to assist in placement of compost blankets as a means of increasing storm water retention. Blanket applications of compost have been shown to reduce water run-off and erosion in construction area, thereby improving the quality of Iowa's waterways. |        |              |

|  |   |                         |              |
|--|---|-------------------------|--------------|
| Eastern Iowa Construction<br>2254 5 <sup>th</sup> Avenue<br>Marion, IA 52302 |   | Total Amount Requested: | \$119,108    |
| Project Title:   | Asphalt Shingle and Cedar Roofing Recycling   |                         |              |
| Contact:   | Jeremy Bleeker  | Phone:                  | 319-373-5549 |
| Project Type:  | Best Practices  |                         |              |
| Applicant:   | Private For Profit  |                         |              |
| Description:   | The applicant proposed to grind asphalt shingles and cedar roofing shingles resulting in a product that can be used as an alternative fuel, alternative daily cover at landfills, mulch, road surfacing materials and a dust suppressant on gravel driveways. |                         |              |

|   |   |                         |              |
|---|---|-------------------------|--------------|
| City of Marion<br>195 35 <sup>th</sup> Street<br>Marion, Iowa 52302 |   | Total Amount Requested: | \$62,888     |
| Project Title:  | Compost Collaboration   |                         |              |
| Contact:  | Tom Newbanks  | Phone:                  | 319-377-6367 |
| Project Type:   | Market Development  |                         |              |
| Applicant:  | Local Government  |                         |              |
| Description:  | The applicant proposed improving their composting operations to produce finished compost suitable for bulk sales. Currently the City produces 3,000 tons of a low-grade compost used by the local landfill as daily cover. The primary market for finished compost will be local erosion control and storm water management projects. |                         |              |

|   |  |                         |              |
|---|--|-------------------------|--------------|
| Bluestem Solid Waste Agency<br>6301 Kirkwood Blvd. SW<br>Cedar Rapids, IA 52406 |  | Total Amount Requested: | \$20,000     |
| Project Title:  | Linn County Solid Waste Characterization Study 2004        |                         |              |
| Contact:  | Marie DeVries  | Phone:                  | 319-398-1278 |
| Project Type:   | Education  |                         |              |
| Applicant:  | Local Government   |                         |              |
| Description:  | The applicant was requesting assistance to conduct a waste |                         |              |



characterization study at both Linn County landfills. Results from the study would provide the agency with data regarding the effectiveness of the corrugated cardboard ban and which recyclable materials and which solid waste materials in general are being landfilled.

|  |   |                         |              |
|--|---|-------------------------|--------------|
| Northwestern College<br>101 7 <sup>th</sup> Street SW<br>Orange City, IA 51041 |   | Total Amount Requested: | \$20,000     |
| Project Title:   | Artificial Turf Football Field with Recycled Rubber   |                         |              |
| Contact:   | Sheri Gunderson   | Phone:                  | 712-707-7114 |
| Project Type:  | Education   |                         |              |
| Applicant:   | Private Not For Profit  |                         |              |
| Description:   | The applicant proposed to install a synthetic football field (FieldTurf) that is made with recycled crumb rubber from scrap tires. Northwestern College and the Orange City High School would share the field through this joint venture. |                         |              |

|   |   |                         |              |
|---|---|-------------------------|--------------|
| City of Eldridge<br>305 N. 3 <sup>rd</sup> Street<br>PO Box 375<br>Eldridge, IA 52748 |   | Total Amount Requested: | \$19,250     |
| Project Title:  | Yard Waste Composting Facility Improvement  |                         |              |
| Contact:  | Brian Wessel  | Phone:                  | 563-285-4841 |
| Project Type:   | Best Practices  |                         |              |
| Applicant:  | Local Government  |                         |              |
| Description:  | The City proposed to purchase a windrow turner thereby improving composting operations. Benefits of the windrow turner would be to speed up the composting process and to make finished compost available to city residents. Current operations apply finished compost to local farmland once a year. |                         |              |

|                                  |   |                         |              |
|----------------------------------|---|-------------------------|--------------|
| Riverside Pallet Recyclers, Inc. |   | Total Amount Requested: | \$19,020     |
| Project Title:                   | Equipment Upgrade   |                         |              |
| Contact:                         | Tom Aubrecht  | Phone:                  | 515-987-5829 |
| Project Type:                    | Best Practices  |                         |              |
| Applicant:                       | Private For Profit  |                         |              |
| Description:                     | The applicant proposed to begin receiving mixed loads of pallets that are not sorted or stacked. By offering this service the number of pallets received and the amount of scrap wood diverted from the landfill is expected to increase through the addition of new customers and reduce costs of the generator. |                         |              |

|  |  |                         |              |
|--|--|-------------------------|--------------|
| Table To Table<br>20 East Market Street<br>Iowa City, IA 52245 |  | Total Amount Requested: | \$16,500     |
| Project Title:   | Food Rescue and Distribution   |                         |              |
| Contact:   | Robert Andrlik   | Phone:                  | 319-337-3400 |
| Project Type:  | Best Practices   |                         |              |
| Applicant:   | Private Not For Profit   |                         |              |
| Description:   | The applicant proposed to expand existing service of collecting donations from food providers and distributing this food to area shelters, soup kitchens, and local agencies that serve the hungry, homeless, and at-risk persons in the Iowa City area. |                         |              |

*Motion was made by Francis Thicke to approve the proposals as presented. Seconded by Jerry Peckumn. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **CONTRACT WITH TBM CONSULTING GROUP FOR KAIZEN PROCESS IMPROVEMENT EVENTS**

Wayne Gieselman, Division Administrator of the Environmental Services Division presented the following item.

The Department requests Commission approval of a contract in the amount of \$50,000 with TBM Consulting Group, Inc. for two kaizen process improvement events: State Historic Preservation Office Section 106, and Underground Storage Tank section.

This contract builds upon existing efforts by the Iowa Department of Natural Resources to improve our processes. The two business process improvement events the DNR conducted in June 2003 and March 2004, resulted in overall improvements of 81% in issuance of Air Quality Operating Permits and 85% in issuance of Clean Water SRF Permits, eliminated the air permit backlog by January 2004, and will eliminate the SRF backlog no later than April 2005. TBM Consulting Group will provide professional consulting services necessary for the development and implementation of the business process improvement events, including assistance with:

- Pre-work – pre-data (e.g., customer surveys, data mining, process flow map) and quality issues;
- Kaizen event consultation;
- Follow-up – backlog, metrics and supervision, other operating issues.

Objectives of the project include:

1. Reduced processing time,
2. Greater efficiency in operations by elimination of waste, bottlenecks and variability,
3. Better environmental protection, allowing more staff resources to be focused on complex permits or mission-critical work,
4. Better communication and coordination with the regulated community, and
5. More timely response to changing industry production methods.

DNR Process Improvement partners include:

- Pella Corporation – has provided free training to the DNR for staff development in leading and executing process improvement, including allowing DNR staff to serve as members of Pella Corporation Kaizen teams. Pella Corp. has also allowed their staff to act as Team Leaders for DNR events
- TBM Consulting Group – TBM has committed to providing the DNR with unbilled support for all events in order to guarantee success.

Funding for this agreement is available from Charter Agency Innovation grant funds, the Iowa Department of Economic Development, the Underground Storage Tank Fund Board, and the Underground Storage Tank section.

*Motion was made by Jerry Peckumn to approve the contract with TBM as presented. Seconded by Lori Glanzman. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **REFERRALS TO THE ATTORNEY GENERAL**

Michael P. Murphy, Bureau Chief of the Legal Services Bureau presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

**A) US PETRO, INC., SUKHDEV SINGH, AND SSJG PETROLEUM, INC.  
(QUAD CITIES/MUSCATINE) – UNDERGROUND TANKS**

The Department recommends referral to the Attorney General's office for enforcement of Consolidated Administrative Order Nos. 2002-UT-36-40. The five orders named U.S. Petro , Inc., SSJG Petroleum, Inc and Sukhdev Singh in their capacity as owners and operators of underground storage tanks (USTS) at five facility locations. The orders assessed a penalty \$6,538 per site for a total of \$32,690. The penalty was based on the fact that the parties operated the USTS without an approved financial responsibility mechanism. The same parties were issued a prior order based on the same violation at the same locations in 2001 and paid a settlement penalty of \$8,500.

*Motion was made by Donna Buell to refer US Petro to the Attorney General's Office. Seconded by Jerry Peckumn. Motion carried unanimously.*

**REFERRED**

**MONTHLY REPORTS**

Wayne Gieselman, Division Administrator, Environmental Protection Division, presented the following items.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

| Monthly Variance Report – May 2004 |   |                          |  |                        |          |          |
|------------------------------------|---|--------------------------|--|------------------------|----------|----------|
| Item No.                           | Facility  | Program                  | Engineer                                 | Subject                | Decision | Date     |
| 1                                  | Aveka Manufacturing-Fredericksburg                          | Air Quality              |  | Permit Requirements    | Approved | 05/07/04 |
| 2                                  | Roquette America-Keokuk                                     | Air Quality              |  | Fugitive Dust          | Denied   | 05/04/04 |
| 3                                  | Wendl Feedlot-Carroll County                                | Wastewater Construction  | Settje Agri-Services & Engineering, Inc. | Well Separation        | Approved | 05/19/04 |
| 4                                  | Butler County Conservation Board-Floodway, Shell Rock River | Flood Plain              |  | Floodway Encroachment  | Approved | 05/05/04 |
| 5                                  | Robert Logan's Bridge-Woodbury County                       | Flood Plain              | Schlotfeldt Engineering                  | Backwater              | Approved | 05/06/04 |
| 6                                  | Robert Logan's Bridge-Woodbury County                       | Flood Plain              | Schlotfeldt Engineering                  | Freeboard              | Approved | 05/06/04 |
| 7                                  | Guardian Industries Corporation-DeWitt                      | Wastewater Operation     |  | Monitoring Frequency   | Approved | 05/10/04 |
| 8                                  | BFI Waste Services-Transfer Station-Maquoketa               | Solid Waste              | Morris Preston, P.E.                     | Process Requirements   | Approved | 05/18/04 |
| 9                                  | U.S. Gypsum Company-Sperry Gypsum Landfill (CLOSED)         | Solid Waste              | Barker Lemar Engineering Consultants     | Groundwater Monitoring | Denied   | 05/12/04 |
| 10                                 | Roosevelt Elementary School-Council Bluffs                  | Watersupply Construction | Farris Engineering                       | Siting Criteria        | Approved | 05/16/04 |
| 11                                 | Twin Springs Camp Area-Winneshek County                     | Watersupply Construction | Erdman Engineering                       | Construction Materials | Approved | 05/14/04 |
| 12                                 | Waterville Elementary School-Allamakee County               | Watersupply Construction | Erdman Engineering                       | Construction Materials | Approved | 05/14/04 |

Iowa Department of Natural Resources  
Environmental Services Division  
Report of Hazardous Conditions

During the period May 1, 2004, through May 31, 2004, 57 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

| Month        | Substance       |               |                    |                 |                    | Mode      |          |          |       |         |
|--------------|-----------------|---------------|--------------------|-----------------|--------------------|-----------|----------|----------|-------|---------|
|              | Total Incidents | Agri-chemical | Petroleum Products | Other Chemicals | Transport Facility | Fixed     | Pipeline | Railroad | Fire  | Other*  |
| October      | 73 (55)         | 11 (4)        | 45 (40)            | 17 (11)         | 21 (18)            | 41 (32)   | 2 (1)    | 1 (2)    | 3 (0) | 5 (2)   |
| November     | 69 (58)         | 9 (13)        | 41 (30)            | 19 (15)         | 20 (19)            | 38 (36)   | 1 (0)    | 1 (0)    | 1 (1) | 8 (2)   |
| December     | 51 (41)         | 10 (2)        | 29 (28)            | 12 (11)         | 21 (12)            | 27 (25)   | 0 (1)    | 0 (2)    | 1 (0) | 2 (1)   |
| January      | 44 (41)         | 7 (6)         | 25 (17)            | 12 (18)         | 9 (12)             | 32 (25)   | 2 (1)    | 0 (2)    | 1 (0) | 0 (1)   |
| February     | 41 (39)         | 5 (1)         | 20 (29)            | 16 (9)          | 13 (11)            | 24 (18)   | 1 (1)    | 1 (6)    | 0 (0) | 2 (3)   |
| March        | 70 (39)         | 9 (5)         | 37 (23)            | 24 (11)         | 20 (8)             | 47 (25)   | 0 (1)    | 1 (2)    | 0 (0) | 2 (3)   |
| April        | 94 (79)         | 44 (30)       | 38 (34)            | 12 (15)         | 30 (23)            | 58 (45)   | 0 (1)    | 3 (1)    | 0 (2) | 3 (7)   |
| May          | 57 (79)         | 15 (25)       | 35 (43)            | 7 (11)          | 16 (29)            | 34 (40)   | 0 (1)    | 2 (1)    | 0 (1) | 5 (7)   |
| June         | 0 (0)           | 0 (0)         | 0 (0)              | 0 (0)           | 0 (0)              | 0 (0)     | 0 (0)    | 0 (0)    | 0 (0) | 0 (0)   |
| July         | 0 (0)           | 0 (0)         | 0 (0)              | 0 (0)           | 0 (0)              | 0 (0)     | 0 (0)    | 0 (0)    | 0 (0) | 0 (0)   |
| August       | 0 (0)           | 0 (0)         | 0 (0)              | 0 (0)           | 0 (0)              | 0 (0)     | 0 (0)    | 0 (0)    | 0 (0) | 0 (0)   |
| September    | 0 (0)           | 0 (0)         | 0 (0)              | 0 (0)           | 0 (0)              | 0 (0)     | 0 (0)    | 0 (0)    | 0 (0) | 0 (0)   |
| <b>Total</b> | 499 (431)       | 110 (86)      | 270 (244)          | 119 (101)       | 150 (132)          | 301 (246) | 6 (7)    | 9 (16)   | 6 (4) | 27 (26) |

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Month

\*Other includes dumping, theft, vandalism and unknown

| 1 | 2  | 3 | 4  | 5  | 6 |
|---|----|---|----|----|---|
| 9 | 13 | 2 | 12 | 14 | 7 |

Iowa Department of Natural Resources  
Environmental Services Division  
Report of Manure Releases

During the period May 1, 2004, through May 31, 2004, 2 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

| Month        | Total<br>Incidents<br>Impacts | Feedlot<br>Application | Confinement<br>Water | Land         | Transport    | Hog            | Cattle       | Fowl         | Other        | Surface      |
|--------------|-------------------------------|------------------------|----------------------|--------------|--------------|----------------|--------------|--------------|--------------|--------------|
| October      | 8 (10)                        | 0 (0)                  | 2 (5)                | 2 (1)        | 2 (4)        | 6 (9)          | 0 (1)        | 0 (0)        | 0 (0)        | 0 (1)        |
| November     | 5 (12)                        | 0 (0)                  | 2 (4)                | 2 (3)        | 1 (5)        | 5 (12)         | 0 (0)        | 0 (0)        | 0 (0)        | 0 (0)        |
| December     | 4 (5)                         | 0 (0)                  | 2 (1)                | 0 (0)        | 2 (3)        | 3 (3)          | 0 (0)        | 1 (1)        | 0 (0)        | 1 (0)        |
| January      | 1 (3)                         | 0 (0)                  | 1 (2)                | 0 (0)        | 0 (0)        | 1 (2)          | 0 (0)        | 0 (0)        | 0 (0)        | 0 (1)        |
| February     | 1 (1)                         | 0 (0)                  | 0 (1)                | 1 (0)        | 0 (0)        | 1 (1)          | 0 (0)        | 0 (0)        | 0 (0)        | 0 (1)        |
| March        | 5 (1)                         | 1 (0)                  | 0 (1)                | 0 (0)        | 3 (0)        | 4 (1)          | 0 (0)        | 0 (0)        | 0 (0)        | 1 (0)        |
| April        | 9 (3)                         | 0 (0)                  | 4 (2)                | 3 (0)        | 2 (0)        | 6 (1)          | 3 (1)        | 0 (0)        | 0 (0)        | 4 (0)        |
| May          | 2 (7)                         | 0 (0)                  | 1 (5)                | 0 (1)        | 1 (1)        | 2 (7)          | 0 (0)        | 0 (0)        | 0 (0)        | 0 (1)        |
| June         | 0 (0)                         | 0 (0)                  | 0 (0)                | 0 (0)        | 0 (0)        | 0 (0)          | 0 (0)        | 0 (0)        | 0 (0)        | 0 (0)        |
| July         | 0 (0)                         | 0 (0)                  | 0 (0)                | 0 (0)        | 0 (0)        | 0 (0)          | 0 (0)        | 0 (0)        | 0 (0)        | 0 (0)        |
| August       | 0 (0)                         | 0 (0)                  | 0 (0)                | 0 (0)        | 0 (0)        | 0 (0)          | 0 (0)        | 0 (0)        | 0 (0)        | 0 (0)        |
| September    | 0 (0)                         | 0 (0)                  | 0 (0)                | 0 (0)        | 0 (0)        | 0 (0)          | 0 (0)        | 0 (0)        | 0 (0)        | 0 (0)        |
| <b>Total</b> | <b>35 (42)</b>                | <b>1 (0)</b>           | <b>12 (21)</b>       | <b>8 (5)</b> | <b>0 (0)</b> | <b>28 (36)</b> | <b>3 (2)</b> | <b>1 (1)</b> | <b>0 (0)</b> | <b>6 (4)</b> |

(numbers in parentheses for the same period last year)  
Total Number of Incidents Per Field Office This Month.

|          |          |          |          |          |          |
|----------|----------|----------|----------|----------|----------|
| <b>1</b> | <b>2</b> | <b>3</b> | <b>4</b> | <b>5</b> | <b>6</b> |
| 0        | 0        | 1        | 1        | 0        | 0        |

**DATE:** June 1, 2004

**TO:** EPC

**FROM:** Mike Murphy

**RE:** Enforcement Report Update

The following new enforcement actions were taken last month:

| Name, Location and<br>Field Office Number | Program     | Alleged Violation | Action                   | Date    |
|---|-------------|-------------------|--------------------------|---------|
| Shane Preder,<br>Ft. Madison (6)          | Air Quality | Open Burning      | Order/Penalty<br>\$1,000 | 5/04/04 |
| Galen Haack,<br>Hospers (6)               | Air Quality | Open Burning      | Order/Penalty<br>\$1,000 | 5/04/04 |
| Kevin Green,<br>DeWitt (6)                | Air Quality | Open Burning      | Order/Penalty<br>\$1,000 | 5/04/04 |

|  |  |   |                             |         |
|--|--|---|-----------------------------|---------|
| Ray Zellmer,<br>Wiota (4)  | Air Quality<br>Solid Waste               | Open Burning; Illegal Disposal  | Amended Order               | 5/04/04 |
| Dennis Bandstra d/b/a Big<br>Dutch, Sioux Center (4)   | Air Quality<br>Solid Waste               | Open Burning; Illegal Disposal  | Consent Amendment           | 5/04/04 |
| Racer's Bar and Grill,<br>Algona (3)   | Drinking<br>Water                        | Monitoring/Reporting – Bacteria;<br>Nitrate; Public Notice  | Order/Penalty<br>\$1,000    | 5/04/04 |
| Darren Lauritsen, (ID 62131)<br>Audubon Co. (4)  | Animal<br>Feeding<br>Operation           | Failure to Submit Plan  | Order/Penalty<br>\$1,500    | 5/04/04 |
| Darren Lauritsen, (ID 62130)   | Animal<br>Feeding<br>Operation           | Failure to Submit Plan  | Order/Penalty<br>\$1,500    | 5/04/04 |
| Catfish Place, The<br>Muscatine (6)  | Drinking<br>Water                        | Monitoring/Reporting – Bacteria,<br>Nitrate; Permit Renewal Fees;<br>Public Notice                              | Order/Penalty<br>\$700      | 5/04/04 |
| Pellett Chemical Co., Inc.,<br>Wiota (4)   | Underground<br>Tanks                     | Site Assessment   | Consent Order               | 5/04/04 |
| Van Veldhuizen Dairy,<br>Sioux Co. (3)   | Animal<br>Feeding<br>Operation           | Uncertified Applicator  | Consent Amendment           | 5/07/04 |
| Albert Berte,<br>Humboldt Co. (2)  | Animal<br>Feeding<br>Operation           | Failure to Submit Plan  | Order/Penalty<br>\$1,500    | 5/07/04 |
| Midway Oil Co.,<br>Burlington (6)  | Underground<br>Tanks                     | UST Closure   | Consent Order               | 5/05/04 |
| Midway Oil Co.,<br>Burlington (6)  | Underground<br>Tanks                     | Remedial Action   | Consent Order               | 5/05/04 |
| Jim Christensen,<br>Clay Co. (3)   | Animal<br>Feeding<br>Operation           | Prohibited Discharge – Open<br>Feedlot; Water Quality Violations –<br>General Criteria; Numeric Criteria        | Consent Order<br>\$2,947.02 | 5/07/04 |
| Nora Springs, City of (2)  | Wastewater                               | Discharge Limits  | Order                       | 5/12/04 |
| Long Branch Maintenance<br>Corp., Dexter (4)   | Drinking<br>Water                        | Monitoring/Reporting – Other<br>Inorganics; Operational Violations;<br>MCL – Other Inorganics; Public<br>Notice | Order/Penalty<br>\$2,000    | 5/20/04 |
| Marvin Bates,<br>Iowa Co. (6)  | Wastewater<br>Air Quality<br>Solid Waste | Stormwater – Operation Without<br>Permit; Illegal Disposal; Open<br>Burning                                     | Order/Penalty<br>\$10,000   | 5/20/04 |
| Environmental Solutions, Inc.,<br>Mills Co. (4)  | Solid Waste                              | Illegal Disposal  | Order/Penalty<br>\$10,000   | 5/20/04 |
| Ranch Supper Club,<br>Swisher (1)  | Drinking<br>Water                        | Monitoring/Reporting – Bacteria,<br>Nitrate; Permit Renewal Fee; Public<br>Notice                               | Order/Penalty<br>\$2,500    | 5/20/04 |
| Frederick Kinzenbaw, Jr.;<br>Max Leonard, Iowa Co. (6)   | Wastewater<br>Solid Waste                | Stormwater – Operation Without<br>Permit; Illegal Disposal  | Order/Penalty<br>\$2,000    | 5/20/04 |
| Ellsworth Bros. Manure<br>Pumping LLC,<br>Kossuth Co. (2)  | Animal<br>Feeding<br>Operation           | Failure to Submit Plan  | Order/Penalty<br>\$500      | 5/20/04 |
| Doug Renze; Phillip Renze,<br>Sac Co. (3)  | Animal<br>Feeding<br>Operation           | Uncertified Applicator  | Order/Penalty<br>\$2,000    | 5/20/04 |
| Twin Eagles Development;<br>Walters Investments, Inc. dba<br>Walters Homes Ltd.; David<br>Walters, Urbandale (5) | Wastewater                               | Stormwater – Operation Without<br>Permit; Pollution Prevention Plan<br>Violations                               | Order/Penalty<br>\$8,000    | 5/20/04 |
| Lake View, City of (3)   | Wastewater                               | Operational Violations;<br>Prohibited Discharge   | Order/Penalty<br>\$3,000    | 5/20/04 |



# Environmental Protection Commission Minutes

June 2004

|  |                                       |   |                                |         |
|--|---------------------------------------|---|--------------------------------|---------|
| Jeff Hamman,<br>Calhoun Co. (3)  | Animal<br>Feeding<br>Operation        | Failure to Submit Plan  | Order/Penalty<br>\$1,500       | 5/20/04 |
| Des Moines County Engineer,<br>Des Moines Co. (6)                                    | Air Quality                           | Open Burning  | Order/Penalty<br>\$1,000       | 5/20/04 |
| John Derner,<br>Milford (3)  | Air Quality                           | Open Burning  | Order/Penalty<br>\$1,000       | 5/20/04 |
| Mark's Sanitation & Recycling;<br>Mark Redlinger,<br>Washington (6)                  | Air Quality                           | Open Burning  | Order/Penalty<br>\$700         | 5/20/04 |
| Jansma Cattle Co.,<br>Lyon Co. (3)   | Animal<br>Feeding<br>Operation        | Compliance Schedule; Prohibited<br>Discharge – Open Feedlot; Water<br>Quality Violations – General<br>Criteria; Restitution for Wild<br>Animals | Order/Penalty<br>\$10,000      | 5/24/04 |
| Fran Oil Company,<br>Council Bluffs (4)  | Underground<br>Tanks                  | Leak Detection  | Order/Penalty<br>\$6,896       | 5/24/04 |
| Al's Corner Oil Company,<br>Carroll (4)  | Underground<br>Tanks                  | Leak Detection  | Order/Penalty<br>\$4,130       | 5/24/04 |
| Cobb Oil Company; Messer<br>Oil Co., Lone Tree (6)                                   | Underground<br>Tanks                  | Record Keeping  | Order/Penalty<br>\$2,500/\$250 | 5/24/04 |
| Michael Veenstra; Alan<br>Veenstra, Oskaloosa (5)                                    | Animal<br>Feeding<br>Operation        | Construction Contrary to Permit;<br>Separation Distance; Illegal<br>Disposal  | Order/Penalty<br>\$5,000       | 5/24/04 |
| Kuntz Farms, Inc.<br>Des Moines Co. (6)  | Animal<br>Feeding<br>Operation        | Failure to Empty Discontinued<br>Facilities   | Consent Amendment              | 5/26/04 |
| Ossian Agri Center, Inc.,<br>Ossian (1)  | Wastewater<br>Hazardous<br>Conditions | Prohibited Discharge; Water<br>Quality Violations – General<br>Criteria; Natural Resources Damage<br>Claim                                      | Order/Penalty<br>\$2,000       | 5/26/04 |
| Imperial Properties, Inc.,<br>Des Moines (5)   | Underground<br>Tanks                  | Site Assessment   | Order/Penalty<br>\$10,000      | 5/26/04 |
| Bill Schrock,<br>Jefferson Co. (6)   | Solid Waste<br>Wastewater             | Stormwater – Operation Without<br>Permit; Illegal Disposal  | Order/Penalty<br>\$2,000       | 5/26/04 |
| Chad Oltmanns,<br>Plymouth Co. (6)   | Solid Waste                           | Illegal Disposal  | Order/Penalty<br>\$3,000       | 5/26/04 |
| The Universal Assembly of<br>Christians Church, Inc.;<br>Marsha Leigh, Mills Co. (4) | Air Quality<br>Solid Waste            | Open Burning; Illegal Disposal  | Order/Penalty<br>\$10,000      | 5/26/04 |
| Floyd Kroeze,<br>Butler Co. (2)  | Animal<br>Feeding<br>Operation        | Prohibited Discharge –<br>Confinement; Freeboard; Failure to<br>Empty Discontinued Facilities   | Consent Amendment              | 5/26/04 |
| Steve Renze Home Farm,<br>Sac Co. (3)  | Animal<br>Feeding<br>Operation        | Failure to Submit Plan  | Order/Penalty<br>\$3,000       | 5/26/04 |
| Doug Renze,<br>Sac Co. (3)   | Animal<br>Feeding<br>Operation        | Failure to Submit Plan  | Order/Penalty<br>\$3,000       | 5/26/04 |
| Robert Renze,<br>Sac Co. (3)   | Animal<br>Feeding<br>Operation        | Failure to Submit Plan  | Order/Penalty<br>\$3,000       | 5/26/04 |
| Midway Water & Lighting Co.,<br>Marion (1)   | Drinking<br>Water                     | Monitoring/Reporting – Bacteria,<br>Nitrate, Other Inorganics,<br>Radioactivity; MCL – Bacteria;<br>Public Notice                               | Order/Penalty<br>\$5,000       | 5/26/04 |
| Bronson, City of (3)   | Drinking<br>Water                     | Monitoring/Reporting; Certified<br>Operator   | Order/Penalty<br>\$3,000       | 5/26/04 |

|  |                          |   |                           |         |
|--|--------------------------|---|---------------------------|---------|
| Duane and Sarah Drost; Drost Family Farms, Inc., Osceola Co. (3) | Animal Feeding Operation | Failure to Submit Plan                    | Order/Penalty \$1,500     | 5/26/04 |
| Mr. Z's Café, Ionia (1)  | Drinking Water           | Monitoring/Reporting; Compliance Schedule | Order/Penalty \$2,000     | 5/26/04 |
| Loru Farm Partnership, Osceola Co. (3)                           | Animal Feeding Operation | Uncertified Applicator                    | Consent Amendment \$1,500 | 5/26/04 |
| Schmidt Distributors, Inc.; Shoppers Supply Co., Ft. Dodge (2)   | Air Quality              | Open Burning                              | Order/Penalty \$5,000     | 5/26/04 |
| Ken Tolton; Duke Aerial Equipment, Marne (4)                     | Air Quality              | Construction Without a Permit             | Order/Penalty \$500       | 5/26/04 |
| American Packaging Corp., Story City (5)                         | Air Quality              | Construction Contrary to Permit           | Order/Penalty \$10,000    | 5/26/04 |

**IOWA DEPARTMENT OF NATURAL RESOURCES  
COMPLIANCE AND ENFORCEMENT BUREAU**

**DATE:** June 1, 2004  
**TO:** Environmental Protection Commission  
**FROM:** Michael P. Murphy  
**SUBJECT:** Summary of Administrative Penalties

The following administrative penalties are due:

| NAME/LOCATION  | PROGRAM   | AMOUNT | DUE DATE |
|--|-----------|--------|----------|
| Otter Creek Station (Dubuque Co.)                      | WS        | 325    | 3-04-99  |
| Dorchester Supper Club (Dorchester)                    | WS        | 100    | 3-08-00  |
| R & R Ranch (Osceola)                                  | WW        | 10,000 | 8-30-00  |
| Country Stores of Carroll, Ltd. (Carroll)              | UT        | 4,700  | 1-17-01  |
| Alice Hillhouse; Hillhouse Real Estate Corp. (Denison) | UT        | 3,000  | 2-28-01  |
| Paul Riha d/b/a Riha Auto Sales (Vining)               | UT        | 1,200  | 5-06-01  |
| Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)      | UT        | 6,380  | 7-06-01  |
| David and Marie Phillips (Milo)                        | WW        | 1,300  | 7-09-01  |
| Keith Craig; The Farm (Council Bluffs)                 | UT        | 3,890  | 8-08-01  |
| James Harter (Fairfield)                               | WW        | 1,800  | 8-01-01  |
| Minnesota Rubber Company (Mason City)                  | AQ        | 1,000  | 9-30-01  |
| Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne       | UT        | 3,400  | 12-03-01 |
| Coralville, City of (SEP)                              | WW        | 3,000  | 2-11-02  |
| # Troy DeGroote; Casey DeGroote (Butler Co.)           | AFO/AQ/SW | 1,100  | 3-08-02  |
| Iowa Coaches, Inc.; David Sherman (Dubuque)            | UT        | 3,960  | 5-03-02  |
| # Practical Pig Corporation (Clinton Co.)              | AFO       | 2,000  | 5-26-02  |
| Midway Oil Co.; David Requet (Davenport)               | UT        | 6,430  | 9-20-02  |
| Wilbur McNear d/b/a McNear Oil Co. (Onawa)             | UT        | 5,930  | 12-17-02 |
| Finley Mondia (West Chester)                           | UT        | 6,430  | 12-23-02 |
| Jeff Reed d/b/a Reed's Service (Lenox)                 | UT        | 7,250  | 1-12-03  |
| Allan Scott (Marion Co.)                               | SW/WW     | 1,150  | 1-15-03  |
| * Winter Mobile Home Park (New Hampton)                | WS        | 250    | 2-15-03  |
| U.S. Petro, Inc.; SSJG Petroleum; Sukhdev Singh        | UT        | 32,690 | 2-28-03  |

# Environmental Protection Commission Minutes

June 2004

|  |           |        |          |
|--|-----------|--------|----------|
| Midway Oil Co.; David Requet; John Bliss                           | UT        | 44,900 | 2-28-03  |
| Duane Crees (Muscatine Co.)  | AQ/SW     | 1,160  | 3-01-03  |
| Nevada, City of SEP  | WW        | 3,000  | 3-14-03  |
| Affordable Asbestos Removal, Inc.; Jeffry Intlekofer (Ft. Madison) | AQ        | 3,100  | 3-30-03  |
| Lidderdale, City of  | WW        | 10,000 | 4-08-03  |
| Scooter's Tower Club (Cresco)                                      | WS        | 500    | 4-29-03  |
| Midway Oil Company (West Branch)                                   | UT        | 7,300  | 5-03-03  |
| Midway Oil Company (Davenport)                                     | UT        | 5,790  | 5-03-03  |
| Efren Valdez (Warren Co.)  | SW        | 4,000  | 6-09-03  |
| Mobile World LC (Clinton Co.)                                      | SW        | 2,250  | 6-29-03  |
| Casey's General Stores, Inc. (Various Locations)                   | UT        | 15,000 | 8-01-03  |
| Casey's General Stores, Inc. (4 Locations)                         | UT        | 4,500  | 8-01-03  |
| McMahon's Bar & Ballroom (Andover)                                 | WS        | 500    | 8-08-03  |
| Lewis Hartgers (Jasper Co.)  | AQ/SW/WW  | 3,000  | 11-04-03 |
| # James Boller (Kalona)  | AFO       | 5,000  | 11-30-03 |
| *#Roger Bockes, et. al. (Tama Co.)                                 | AFO       | 600    | 12-01-03 |
| * Jerry Feilen and Rick Bain (Pottawattamie Co.)                   | AQ/SW     | 975    | 12-15-03 |
| Robert L. Nelson (Orient)  | UT        | 2,450  | 12-26-03 |
| William Day (Iowa Co.)   | SW/WW     | 2,000  | 1-02-04  |
| #*Avery Feeder Pig Co. (Humboldt Co.)                              | AFO       | 750    | 3-15-04  |
| Mark Anderson (Des Moines Co.)                                     | AQ/SW     | 10,000 | 3-22-04  |
| # Trent Ellis (Calhoun Co.)  | AQ/SW/AFO | 3,000  | 3-23-04  |
| Mike Phillips aka Jeff Phillips (Cambridge)                        | AQ        | 5,000  | 3-27-04  |
| # James Hoogland (Sioux Co.)                                       | AFO       | 2,000  | 4-11-04  |
| # Dave Bomgaars (Sioux Co.)  | AFO       | 750    | 4-19-04  |
| # Kollasch Land & Livestock (Palo Alto Co.)                        | AFO       | 750    | 4-23-04  |
| Clay Regional Water (Spencer) SEP                                  | WS        | 2,000  | 4-27-04  |
| William Hennessey (Linn Co.)                                       | SW        | 2,000  | 5-07-04  |
| Interchange Service Co., Inc., et.al. (Onawa)                      | WW        | 6,000  | 5-07-04  |
| Owasa Tap (Iowa Falls)   | WS        | 700    | 5-15-04  |
| # Holstein Dairy LLC (Ida Co.)                                     | AFO       | 1,500  | 5-19-04  |
| John Danker (Lee Co.)  | AQ/SW     | 10,000 | 5-22-04  |
| R. Victor Hanks; Mobile World L.C. (Camanche)                      | WW        | 10,000 | 5-23-04  |
| Gingerich Well & Pump; Corwin Gingerich; Klint Gingerich           | WS        | 3,800  | 5-25-04  |
| # Matt Hoffman (Plymouth Co.)                                      | AFO       | 750    | 5-27-04  |
| Mobile World LC (Camanche)   | AQ/SW     | 10,000 | 5-30-04  |
| #*Floyd Kroeze (Butler Co.)  | AFO       | 1,500  | 6-01-04  |
| * Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash          | WW        | 4,250  | 6-01-04  |
| Emer Carlson (Fairfield)   | AQ        | 6,500  | 6-01-04  |
| #*Van Veldhuizen Dairy (Sioux Co.)                                 | AFO       | 1,500  | 6-01-04  |
| The Rose Bowl (Mason City)   | WS        | 500    | 6-06-04  |
| Galen Engstrom (Renwick)   | WW        | 1,000  | 6-13-04  |
| Iowa Falls Evangelical Free Church (Iowa Falls)                    | WS        | 750    | 6-13-04  |
| #*Van Middendorp Dairy (Sioux Co.)                                 | AFO       | 750    | 6-15-03  |
| * John and Bernice Danner (Lucas Co.)                              | WW        | 550    | 6-15-04  |
| Mitchell Town Pump (Mitchell)                                      | WS        | 5,000  | 6-15-04  |
| * Dennis Gailey (Moorland)   | AQ/SW     | 9,700  | 6-18-04  |
| # Kay Finsher; Todd Kay (Buena Vista Co.)                          | AFO       | 750    | 6-16-04  |
| # Gary Brown (Emmet Co.)   | AFO       | 1,500  | 6-19-04  |
| * Gary Lund; Lund Construction (Wright Co.)                        | AQ/SW     | 4,000  | 6-20-04  |
| Roger Ginger d/b/a L & L Standard (Everly)                         | UT        | 5,750  | 6-22-04  |
| Pat Kelly d/b/a Kelly Construction (Denison)                       | UT        | 1,860  | 6-22-04  |
| * Dennis Bandstra d/b/a Big Dutch (Sioux Center)                   | AQ/SW     | 300    | 6-23-04  |
| Linwood Mining & Minerals Corp. (Davenport)                        | AQ        | 10,000 | 6-25-04  |

|  |          |        |         |
|--|----------|--------|---------|
| # Dunphy Poultry (Union Co.)                             | AFO      | 1,500  | 6-27-04 |
| # GarLain Farms; Gary Grimm (Fayette Co.)                | AFO      | 1,500  | 6-29-04 |
| * Russell Barkema; K.R. Construction (Wright Co.)        | AQ/SW    | 3,500  | 6-30-04 |
| # Loru Farm Partnership (Osceola Co.)                    | AFO      | 1,500  | 7-01-04 |
| Kevin Green (DeWitt)                                     | AQ       | 1,000  | 7-07-04 |
| # Gary Schley (Kossuth Co.)                              | AFO      | 1,500  | 7-07-04 |
| # Steve Grettenberg (Webster Co.)                        | AFO      | 1,000  | 7-09-04 |
| # Darren Lauritsen (Audubon Co.)                         | AFO      | 1,500  | 7-09-04 |
| # Darren Lauritsen (Audubon Co.)                         | AFO      | 1,500  | 7-09-04 |
| Racer's Bar and Grill (Algona)                           | WS       | 1,000  | 7-09-04 |
| Shane Preder (Ft. Madison)                               | AQ       | 1,000  | 7-12-04 |
| Catfish Place, The (Muscatine)                           | WS       | 700    | 7-14-04 |
| Long Branch Maintenance Corp. (Dexter)                   | WS       | 2,000  | 7-26-04 |
| # Michael Veenstra; Allan Veenstra (Mahaska Co.)         | AFO      | 5,000  | 7-27-04 |
| Lake View, City of                                       | WW       | 3,000  | 7-27-04 |
| # Jansma Cattle Co., Inc. (Lyon Co.)                     | AFO      | 10,000 | 7-27-04 |
| # Jeff Hamman (Calhoun Co.)                              | AFO      | 1,500  | 7-27-04 |
| Des Moines County  | AQ       | 1,000  | 7-27-04 |
| Marvin Bates (Iowa Co.)                                  | AQ/SW/WW | 10,000 | 7-27-04 |
| Green Valley Mobile Home Park (Mt. Pleasant)             | WW       | 5,000  | -----   |
| SSJG Petroleum, Inc. (Muscatine)                         | UT       | 10,000 | -----   |
| James L. Heal d/b/a A-1 Domestics (Homestead)            | SW/WW    | 1,800  | -----   |
| Elery Fry; Allen Fry; Mel Fry; Ron Fry (Moravia)         | SW       | 10,000 | -----   |
| Kountry School LLC (Elkader)                             | WS       | 1,500  | -----   |
| Mark's Sanitation & Recycling, Inc. (Washington)         | AQ       | 700    | -----   |
| John Derner (Milford)                                    | AQ       | 1,000  | -----   |
| Twin Eagles Development; Walters Homes, Ltd. (Urbandale) | WW       | 8,000  | -----   |
| # Ellsworth Bros. Manure Pumping LLC (Kossuth Co.)       | AFO      | 500    | -----   |
| # Phillip Renze; Doug Renze (Sac Co.)                    | AFO      | 2,000  | -----   |
| Frederick Kinzenbaw, Jr.; Max Leonard (Iowa Co.)         | WW/SW    | 2,000  | -----   |
| Environmental Solutions, Inc. (Mills Co.)                | SW       | 10,000 | -----   |
| Ranch Supper Club (Swisher)                              | WS       | 2,500  | -----   |
| Fran Oil Company (Council Bluffs)                        | UT       | 6,896  | -----   |
| Al's Corner Oil Co. (Rippey)                             | UT       | 4,130  | -----   |
| Cobb Oil Co.; Messer Oil Co. (Lone Tree)                 | UT       | 2,750  | -----   |
| The Universal Assembly of Christians; Marsha Leigh       | AQ/SW    | 10,000 | -----   |
| Bill Schrock (Stockport)                                 | SW/WW    | 2,000  | -----   |
| Ossian Agri Center, Inc. (Ossian)                        | WW/HC    | 2,000  | -----   |
| Chad Oltmanns (Plymouth Co.)                             | SW       | 3,000  | -----   |
| Imperial Properties, Inc. (Des Moines)                   | UT       | 10,000 | -----   |
| # Steve Renze (Sac Co.)                                  | AFO      | 3,000  | -----   |
| # Doug Renze (Sac Co.)                                   | AFO      | 3,000  | -----   |
| # Robert Renze (Sac Co.)                                 | AFO      | 3,000  | -----   |
| Midway Water & Lighting Co., Inc. (Marion)               | WS       | 5,000  | -----   |
| Daryl DeJong; Fred DeJong & Sons Excavating (Sioux Co.)  | AQ       | 1,000  | -----   |
| Bronson, City of   | WS       | 3,000  | -----   |
| # Duane and Sarah Drost; Drost Farms, Inc. (Osceola Co.) | AFO      | 1,500  | -----   |
| Mr. Z's Café (Ionia)                                     | WS       | 2,000  | -----   |
| American Packaging Corp. (Story City)                    | AQ       | 10,000 | -----   |
| Schmidt Distributors; Shoppers Supply Co. (Ft. Dodge)    | AQ       | 5,000  | -----   |
| Ken Tolton; Duke Aerial Equipment (Marne)                | AQ       | 500    | -----   |

**TOTAL 530,946**

# Environmental Protection Commission Minutes

June 2004

The following cases have been referred to the Attorney General:

|  |          |        |          |
|--|----------|--------|----------|
| Donald P. Ervin (Ft. Dodge)  | SW       | 669    | 3-05-90  |
| Robert and Sally Shelley (Guthrie Center)                            | SW       | 1,000  | 3-04-91  |
| Verna and Don Reed; Andrea Silsby (Union Co.)                        | SW       | 1,000  | 4-07-94  |
| Relative, Inc.; Doug Smuck (Des Moines)                              | UT       | 3,070  | 10-11-94 |
| Relative, Inc.; Doug Smuck (Des Moines)                              | UT       | 600    | 10-11-94 |
| Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)             | AQ       | 4,000  | 3-24-95  |
| Randy Ballard (Fayette Co.)  | FP       | 2,000  | 5-30-95  |
| Long Branch Tavern (Monmouth)  | WS       | 100    | 5-01-96  |
| Long Branch Tavern (Monmouth)  | WS       | 6,400  | 10-28-96 |
| Long Branch Tavern (Monmouth)  | WS       | 200    | 3-18-97  |
| Don Grell d/b/a Dodger Enterprises (Ft. Dodge)                       | AQ       | 10,000 | 2-16-93  |
| Robert Jeff White (Dallas Co.)                                       | AQ/SW    | 10,000 | 7-14-97  |
| Edward Bodensteiner (Des Moines)                                     | UT       | 3,200  | 3-31-96  |
| James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.) | AQ/SW    | 2,000  | 2-16-98  |
| Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)                     | SW       | 6,000  | 1-20-96  |
| #*Harold Unternahrer (Washington Co.)                                | AFO      | 700    | 5-01-99  |
| Hofer's Danceland Ballroom (Walford)                                 | WS       | 3,200  | 4-19-97  |
| Hofer's Danceland Ballroom (Walford)                                 | WS       | 100    | 4-23-99  |
| Ray Stamper; Bryan Zenor (Polk Co.)                                  | SW       | 2,000  | 12-12-98 |
| Russell Zook d/b/a Haskin's Recycling (Washington Co.)               | AQ/SW    | 5,000  | 12-19-98 |
| Phillips Recycling; Jeff Phillips (Story Co.)                        | WW       | 1,800  | 3-06-99  |
| Greg Morton; Brenda Hornyak (Decatur Co.)                            | SW/AQ/WW | 3,000  | 11-04-98 |
| Jim Walker (Johnson Co.)   | AQ/SW    | 3,000  | 2-14-99  |
| Iowa Millenium Investors, LLC (Sumner)                               | UT       | 4,000  | 10-12-99 |
| Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)           | UT       | 10,000 |          |
| Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)            | SW       | 5,000  | 1-23-00  |
| Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)      | SW/WW    | 10,000 | 5-26-00  |
| Lindahl & Sons Salvage (Boone)                                       | AQ/SW    | 10,000 | 11-29-00 |
| Wisconsin North dba National Petroleum, Inc. (Clinton)               | UT       | 5,000  | 8-04-01  |
| Wisconsin North dba National Petroleum (Clinton)                     | UT       | 2,840  | 8-21-01  |
| Michael Bauer (Davenport)  | UT       | 5,100  | 3-13-01  |
| Dennis Seversson d/b/a Huxley Dry Cleaners (Huxley)                  | AQ       | 4,500  | 8-01-01  |
| Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)                 | SW       | 10,000 | 9-18-01  |
| Marvin Oberly (Burlington)   | WW       | 1,300  | 6-27-01  |
| Richard Davis (Monroe Co.)   | AQ       | 8,000  | 6-25-02  |
| M-F Real Estate; Fred "Butch" Levell (Carter Lake)                   | HC       | 3,200  | 8-18-02  |
| Ryan Barton; Theresa Barton (Kellerton)                              | AQ/SW    | 1,000  | 5-27-02  |
| Jerry Chatfield; North Iowa Truck and Tractor (Floyd)                | SW/WW    | 3,000  | 8-18-02  |
| Mobile World, L.C. (Camanche)  | WW       | 2,000  | 5-27-02  |
| Oran Pub & Grill (Fairbank)  | WS       | 100    | 6-03-02  |
| # John C. Kelso (Worth Co.)  | AFO      | 1,500  | 7-29-02  |
| M.A., Inc.; Spring Grove Mobile Home Park (Burlington)               | WW       | 7,000  | 11-01-02 |
| M.A., Inc.; Westside Park for Mobile Homes (Lee Co.)                 | WW       | 7,000  | 11-01-02 |
| Van Meter Development Corp.; Whispering Pines (Van Meter)            | WW       | 2,000  | 12-01-02 |
| Harry F. Trafton; Trafton Enterprises; Interstate Lounge             | UT       | 6,800  | 1-13-03  |
| John Jolin; Michael Kolbold (Sioux City)                             | UT       | 5,760  | 6-23-02  |
| Dave Paplow (Indianola)  | AQ/SW    | 5,000  | 7-05-02  |
| Meadow Mist Motel (Fayette Co.)                                      | WS       | 500    | 8-12-02  |
| Park View Motel (Oelwein)  | WS       | 750    | 9-06-02  |
| Dale Schaffer (Union Co.)  | AQ/SW    | 10,000 | 11-05-02 |
| Mike Messerschmidt (Martinsburg)                                     | AQ/SW    | 500    |          |
| # Carl Simon (Dubuque Co.)   | AFO      | 5,000  | 1-17-03  |
| Plantation Village Mobile Home Park (Burlington)                     | WS       | 500    | 6-06-03  |
| Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)                | WS       | 2,500  | 10-26-01 |
| Honey Creek Campground (Crescent)                                    | WS       | 1,000  | 4-30-02  |
| Albert Miller (Kalona)   | AQ/SW    | 10,000 | 9-26-03  |

|                               |       |                |         |
|-------------------------------|-------|----------------|---------|
| Plain Salvage Inc. (Sac City) | AQ/SW | 10,000         | 5-12-00 |
| <b>TOTAL</b>                  |       | <b>229,889</b> |         |

The following administrative penalties have been appealed:

| NAME/LOCATION   | PROGRAM | AMOUNT |
|---|---------|--------|
| Dennis Malone & Joanne Malone (Morning Sun)                                   | UT      | 600    |
| Dallas County Care Facility (Adel)  | WW      | 2,500  |
| Richard Sprague (Tripoli)   | AQ/SW   | 5,000  |
| Robert Diehl (Clarke Co.)   | WW/WS   | 5,000  |
| Gerald and Judith Vens (Scott Co.)  | FP      | 5,000  |
| # Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)                | AFO     | 3,000  |
| # Dan Witt (Clinton Co.)  | AFO     | 3,000  |
| Linwood Mining & Minerals Co. (Davenport)                                     | AQ      | 10,000 |
| R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)                         | WW      | 10,000 |
| Sir Fredericks, Inc.; Fred Scherle (Ankeny)                                   | UT      | 2,280  |
| Feeders Grain Supply; James & Carolyn Curtis (Corning)                        | WW/HC   | 6,000  |
| LeMars, City of   | WW      | 10,000 |
| Dallas County Care Facility (Adel)  | WW      | 5,000  |
| Keith Stoterau; Hopp Construction Co. (Shelby Co.)                            | WW      | 2,500  |
| Robert Ward (Lee Co.)   | WW      | 1,450  |
| Partners Four Investments, Inc. (Marble Rock)                                 | UT      | 5,280  |
| William Habhab (Fort Dodge)   | SW      | 1,500  |
| James Wilson; Retha Wilson; William Wilson (Shenandoah)                       | UT      | 4,740  |
| Wellington Environmental (Iowa City)  | AQ      | 1,000  |
| Kevin Wallerich (Keota)   | SW/WW   | 500    |
| # Doug Wedemeyer (Adair Co.)  | AFO     | 2,500  |
| Mt. Pleasant, City of   | WW      | 500    |
| Lehigh Portland Cement Co. (Mason City)                                       | WS      | 300    |
| Richard and Charlotte Caves (Oskaloosa)                                       | HC      | 10,000 |
| Clifton Clark (Moorhead)  | AQ/SW   | 1,500  |
| # Kenneth Dahlhauser (Whittemore)   | AFO     | 2,500  |
| Peter Cook (Grand Mound)  | AQ/SW   | 5,000  |
| Stanley Siems (Hardin Co.)  | AQ/SW   | 7,500  |
| Schell Family Partnership (Boone Co.)   | HC/SW   | 5,000  |
| River City Development; Russell Hardy (Mason City)                            | UT      | 2,480  |
| Chelsea, City of  | WW      | 3,000  |
| # Glen Samuelson (Adams Co.)  | AFO     | 1,000  |
| # Merrell Butler (Adams Co.)  | AFO     | 1,000  |
| # Butler Custom Pumping, Inc.; Robert Butler (Adams Co.)                      | AFO     | 2,500  |
| # Anthony Wendler (Emmet Co.)   | AFO/SW  | 3,000  |
| # Doug Osweiler (South English)   | AFO     | 5,000  |
| # Ray Slach (Cedar Co.)   | AFO     | 3,000  |
| # Iowa Select Farms, LP; Swartz Finisher Farm (Hardin Co.)                    | AFO     | 500    |
| # Einck Dairy; D & J Pumping (Winneshek Co.)                                  | AFO     | 4,000  |
| # Natural Pork Production, II LLC (Shelby Co.)                                | AFO     | 5,000  |
| # Larry Noel (Floyd Co.)  | AFO     | 2,000  |
| # New London Dairy; Steve Walter dba Walter & Sons                            | AFO/RWA | 5,000  |
| Roger Eblen; Eblen Develop.; Duane Menke; (Whispering Woods - Council Bluffs) | WW      | 10,000 |
| # Natural Pork Production II (Shelby Co.)                                     | AFO     | 10,000 |
| Denny Geer (Taylor Co.)   | AQ/SW   | 3,000  |
| # Iowa Select Farms, L.P.; Kerrigan Facility (Union Co.)                      | AFO     | 1,000  |
| # D & D Ag Enterprises, LLC (Union Co.)                                       | AFO     | 2,000  |
| Country Terrace Mobile Home Park (Ames)                                       | WW      | 10,000 |
| # Iowa Select Farms, Inc.; Clarke Sow (Clarke/Union)                          | AFO     | 5,000  |

# Environmental Protection Commission Minutes

June 2004

|   |          |        |
|---|----------|--------|
| Co.)  |          |        |
| Brad Taylor (Pottawattamie Co.)                         | AQ/SW    | 3,500  |
| Westfair Association, The (Council Bluffs)              | WS       | 1,500  |
| # Poverty Acres Feedlot, Inc. (Sioux Co.)               | AFO      | 3,500  |
| # Southern Waste Handling, Inc. (Mr. Ayr)               | AFO      | 7,000  |
| Cedar Rapids, City of                                   | WW       | 1,000  |
| Country Living MHP (Altoona)                            | WW       | 5,000  |
| Kent Kiburz (Humboldt Co.)                              | SW       | 2,500  |
| Strawberry Point, City of                               | WW       | 10,000 |
| Casey's Marketing Co. (Jefferson)                       | UT       | 5,224  |
| Edward Rasch; Easter Enterprises, Inc. (Norwalk)        | UT       | 3,000  |
| D & S Swine L.L.C. (Humboldt Co.)                       | WW       | 1,000  |
| # River Valley Farms (Mahaska Co.)                      | AFO      | 750    |
| B & H Food & Gas, Inc. (Davenport)                      | UT       | 10,000 |
| U.S. Nation Mart, Inc. (Davenport)                      | UT       | 10,000 |
| Tegh, Inc. (Bettendorf)                                 | UT       | 8,500  |
| # Tom Wageman Farm (Shelby Co.)                         | AFO      | 750    |
| Greenman Technologies of Iowa, Inc. (Des Moines)        | SW       | 2,000  |
| Harlan Clasen (Rock Rapids)                             | AQ/SW    | 10,000 |
| # Jeff Holland (Winnebago Co.)                          | AFO      | 5,500  |
| Boyer's Sand and Rock, Inc.; William Boyer (Hawarden)   | UT       | 2,380  |
| Pocahontas, City of                                     | WW       | 5,000  |
| # T. Patrick and Laurie Cashman (Deep River)            | AFO      | 750    |
| # Bob Kerrigan (Union Co.)                              | AFO      | 750    |
| Carpenter Bar & Grill (Carpenter)                       | WS       | 10,000 |
| # Swine USA; Davis Finishing Site (Clarke Co.)          | AFO      | 750    |
| Landfill of Des Moines, Inc. (Des Moines)               | SW       | 7,000  |
| Denzel Edwards (Cass Co.)                               | AQ/SW/HC | 6,000  |
| # Gettler Dairy (Guthrie Co.)                           | AFO      | 5,000  |
| Iowa Ethanol, LLC; Reilly Construction Co. (Worth Co.)  | WW       | 10,000 |
| American Shell Co.; James L. Peach (Fairport)           | UT       | 6,200  |
| Broin & Assoc., Inc.; Iowa Ethanol, LLC (Worth Co.)     | WS/WW    | 10,000 |
| Broin & Assoc., Inc.; Otter Creek Ethanol (Osceola Co.) | WW       | 10,000 |
| Wapsipinicon Country Club (Anamosa)                     | WS       | 750    |
| Shenandoah, City of                                     | AQ/SW    | 10,000 |
| # Tim Trostel (Butler Co.)                              | AFO      | 2,000  |
| # James Axtell (Hardin Co.)                             | AFO      | 500    |
| Iowa Falls, City of                                     | WW       | 10,000 |
| Regional Environmental Improvement Comm. Of Iowa Co.    | SW       | 10,000 |
| Michael Sickles; Keri Sickles (Adair Co.)               | SW       | 3,000  |
| Julie Oden; Centerville Cleaners (Centerville)          | AQ       | 1,000  |
| Crest Country Inn (Iowa Co.)                            | WW       | 1,000  |
| Edwin Pagliai (Pella, Maquoketa, Keokuk)                | UT       | 13,500 |
| Lake Place (Clarion)                                    | WS       | 500    |
| Sioux Pharm, Inc. (Sioux Center)                        | WW       | 5,000  |
| Sunny Brae Golf & Country Club (Osage)                  | WS       | 650    |
| LeMars, City of   | WW       | 9,000  |
| Ben Haven Mobile Home Park (Quasqueton)                 | WS       | 3,000  |
| Curt Kline; Connie Kline (Dunlap)                       | AQ       | 5,575  |
| # Miles McDougall (Plymouth Co.)                        | AFO      | 1,500  |
| Ray Zellmer (Wiota)                                     | AQ/SW    | 2,000  |
| Atlantic, City of                                       | WW       | 4,000  |
| Allsteel, Inc. (Muscatine)                              | AQ       | 10,000 |
| # Steve Grettenberg; Grettenberg Finisher (Webster Co.) | AFO      | 500    |

June 2004

# Environmental Protection Commission Minutes

|  |          |                |
|--|----------|----------------|
| # Terry Nibbelink (Sioux Co.)                              | AFO      | 1,500          |
| # Allan Glienke Farm (Buena Vista Co.)                     | AFO      | 1,500          |
| # Deer Ridge S.E.W. Feeder Pigs (Clayton Co.)              | AFO      | 1,500          |
| # Jeff Salsbery (Cedar Co.)                                | AFO      | 1,500          |
| # Clark Partnership; Dennis & Terrence Clark (Osceola Co.) | AFO      | 1,500          |
| Williams Brothers Garage (Atlantic)                        | AQ/SW/WW | 5,000          |
| Alton, City of   | FP       | 5,000          |
| Rural Iowa Solid Waste Management Assoc. (Hardin Co.)      | SW       | 5,000          |
| # Gary DeBoer; G & S Farms (Lyon Co.)                      | AFO      | 1,500          |
| # Allen Hoeper (Bremer Co.)                                | AFO      | 1,500          |
| # Hunt Brothers; Steve and Chris Hunt (O'Brien Co.)        | AFO      | 1,500          |
| Brunsville, City of  | WW       | 1,000          |
| Casey's Marketing Co. (5 locations)                        | UT       | 18,101         |
| # Steve Link (Clayton Co.)                                 | AFO      | 1,500          |
| Galen Haack (Hospers)                                      | AQ       | 1,000          |
| # Keith Haroldson (Buena Vista Co.)                        | AFO      | 750            |
| # Charlie Haywood (Hardin Co.)                             | AFO      | 1,500          |
| Richard Juhl (Cass Co.)                                    | AQ/SW    | 4,700          |
| Maquoketa Shoreline Development; John Thola (Jackson Co.)  | WW       | 10,000         |
| <b>TOTAL</b>   |          | <b>521,210</b> |

The following administrative penalties were paid last month:

| NAME/LOCATION   | PROGRAM | AMOUNT        |
|---|---------|---------------|
| # Brian Stortz; S & P Enterprises (Waukon)                | AFO     | 1,000         |
| # Jim Christensen Feedlot (Clay Co.)                      | AFO     | 2,947         |
| * Dennis Gailey (Moorland)                                | AQ/SW   | 300           |
| * John Smith d/b/a Four Corners Tap (Lockridge) (PAID)    | AQ/SW   | 100           |
| # Boge Farms; Lora Boge (Clay Co.)                        | AFO     | 1,500         |
| Jerry Lunn (Clear Lake)                                   | AQ      | 3,000         |
| # Albert Berte (Humboldt Co.)                             | AFO     | 1,500         |
| * John and Bernice Danner (Lucas Co.)                     | WW      | 75            |
| # Hoogland Farms, Inc.; Marv Hoogland (Sioux Co.)         | AFO     | 1,500         |
| # Grathwohl Bros. LLC (Kossuth Co.)                       | AFO     | 1,500         |
| * Dennis Bandstra d/b/a Big Dutch (Sioux Center)          | AQ/SW   | 50            |
| * Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash | WW      | 250           |
| #*Van Middendorp Dairy n(Sioux Co.)                       | AFO     | 250           |
| # Sunrise "BEIFF" Feedlot (Benton Co.)                    | AFO     | 10,000        |
| #*Avery Feeder Pig Co. (Humboldt Co.)                     | AFO     | 250           |
| Roquette America, Inc. (Keokuk)                           | WW      | 10,000        |
| Gary Lund; Lund Construction (Wright Co.)                 | AQ/SW   | 1,000         |
| # Richard and Jerald Reiter (Jackson Co.)                 | AFO     | 2,500         |
| # Richard and Jerald Reiter (Dubuque Co.)                 | AFO     | 2,500         |
| W & H Cooperative Oil Co. (Wright Co.)                    | HC      | 1,000         |
| <b>TOTAL</b>  |         | <b>41,222</b> |

The following SEPs were received:

|                                 |    |       |
|---------------------------------|----|-------|
| Arthur, City of                 | WW | 2,000 |
| Well's Dairy, Inc. (LeMars) SEP | WW | 5,000 |

The following penalties were rescinded:



|  |    |       |
|--|----|-------|
| Jeff Marshall; Jim Perkins (Scott Co.)       | WS | 2,000 |
| Independence Mobile Home Park (Independence) | WS | 800   |

## Attorney General Referrals

June 1, 2004

| Name, Location and Region Number                                    | Program                   | Alleged Violation   | DNR Action    | New or Updated Status  | Date  |
|---|---------------------------|---|---------------|--|---|
| ABC Disposal Systems<br>Hiawatha (1)                                | Solid Waste               | DNR Defendant   | Defense       | Petition Filed<br>Hearing<br>Ruling for State<br>Notice of Appeal<br>Appellant's Proof Brief<br>Appellee's Proof Brief   | 6/26/02<br>10/07/02<br>12/26/02<br>1/28/03<br>4/25/03<br>6/27/03                      |
| Bee Rite Tire Disposal, Inc.<br>Rhodes, State Center (5)            | Solid Waste               | Solid Waste Violations  | Order/Penalty | Referred<br>Petition Filed   | 5/20/02<br>1/26/04  |
| BCD Corporation<br>Council Bluffs (4)                               | Wastewater                | Operation Without Permit; Pollution Prevention Plan Violation | Order         | Referred   | 7/22/02   |
| Buhr, Lee; Meadow Mist Motel<br>Park View Motel<br>Oelwein (1)      | Drinking Water            | Monitoring/Reporting-Bacteria, Nitrate; Public Notice         | Order/Penalty | Referred<br>Motion for Judgment  | 3/17/03<br>3/17/04  |
| Buringrud, Mark<br>fdba Carpenter Bar & Grill<br>Carpenter (2)      | Drinking Water            | Monitoring/Reporting-Bacteria, Nitrate                        | Order/Penalty | Referred   | 9/15/03   |
| Chatfield, Jerry d/b/a<br>North Iowa Truck and Tractor<br>Floyd (2) | Solid Waste<br>Wastewater | Illegal Disposal; Operation Without Permit                    | Order/Penalty | Referred<br>Petition Filed   | 10/21/02<br>3/17/04   |
| Davis, Richard<br>Wapello Co. (6)                                   | Air Quality               | Asbestos  | Order/Penalty | Referred<br>Petition Filed<br>Application for Default<br>Order Granting Judgment on Default<br>Motion for Contempt<br>Contempt Hearing Date<br>Order for Mediation<br>Mediation Date | 8/19/02<br>11/27/02<br>2/01/03<br>3/14/03<br>6/05/03<br>4/07/04<br>4/07/04<br>6/09/04 |
| Golden, Randy S.; R. Excavating<br>Council Bluffs (4)               | Wastewater                | DNR Defendant   | Defense       | Petition Filed<br>Answer<br>Oral Argument  | 4/16/02<br>5/09/02<br>6/08/04   |

|  |   |  |                                    |   |   |
|--|---|--|------------------------------------|---|---|
| Handlos, Lawrence<br>Audubon Co. (4)   | Animal<br>Feeding<br>Operation;<br>Wastewater | Construction<br>Without Permit;<br>Failure to Submit<br>MMP; Operation<br>Violations;<br>Stormwater –<br>Operation Without<br>Permit | Referred to<br>Attorney<br>General | Referred<br>Petition Filed  | 7/21/03<br>3/12/04  |
| Jolin, John; Michael<br>Kolbold<br>Sioux City (3)<br><b>UPDATED</b>  | Underground<br>Tank                           | UST Closure  | Order/Penalty                      | Referred<br>Petition Filed<br>Motion for Partial<br>Summary Judgment<br>Hearing Date  | 3/17/03<br>12/29/03<br>3/22/04<br>6/07/04   |
| Kelso, John C.<br>Worth Co. (2)  | Animal<br>Feeding<br>Operation                | Failure to Submit<br>Plan  | Order/Penalty                      | Referred  | 11/18/02  |
| M.A., Inc. and Mark<br>Anderson;<br>Spring Grove MHP;<br>Westside Park for<br>Mobile Homes<br>Burlington (6) | Wastewater                                    | Monitoring/Report<br>ing; Operational<br>Violations;<br>Operator<br>Discipline   | Order/Penalty                      | Referred<br>Motion for Judgment<br>Hearing Date   | 1/21/03<br>4/12/04<br>5/17/04   |
| Matrix Metal, LLC<br>d/b/a<br>Keokuk<br>Castings<br>Keokuk (6)   | Steel<br>Air Quality                          | Emission Limits  | Referred to<br>Attorney<br>General | Referred  | 1/22/02   |
| Miller, Albert<br>Kalona (6)   | Air Quality                                   | Open Burning;<br>Asbestos  | Order/Penalty                      | Referred  | 12/15/03  |
| Northeast<br>Citizens for<br>Water<br>(NICCW)<br><b>UPDATED</b>  | Iowa<br>Clean<br>Wastewater                   | DNR Defendant  | Defense                            | Petition Filed<br>DNR's Answer<br>NICCW's Application for<br>Stay<br>NICCW's Brief for Stay<br>DNR's Resistance<br>DNR's Brief in<br>Resistance<br>Hearing on Motion<br>Ruling Denying Stay<br>NICCW's Motion to<br>Reconsider<br>DNR's Resistance<br>Hearing on Motion to<br>Reconsider<br>Ruling Denying Motion<br>to Reconsider<br>NICCW's Application for<br>Interlocutory Appeal<br>DNR's Resistance to<br>Interlocutory | 8/29/03<br>9/25/03<br>10/21/03<br>10/21/03<br>11/05/03<br>11/14/03<br>12/22/03<br>1/29/04<br>2/04/04<br>3/01/04<br>4/08/04<br>4/20/04<br>4/28/04<br>5/11/04 |

| Appeal   |                            |  |                                    |  |  |  |
|--|----------------------------|--|------------------------------------|--|--|--|
| Oberly, Marvin<br>Burlington (6)   | Wastewater                 | Operation Without<br>Permit                | Order/Penalty                      | Referred<br>Petition Filed   |  | 7/15/02<br>3/15/04   |
| Organic<br>Technologies; Tim<br>Danley;<br>Ken Renfrow; Mike<br>Danley<br>Warren Co. (5) | Solid Waste                | Permit Violations                          | Referred to<br>Attorney<br>General | Referred<br>Petition Filed<br>Application for<br>Temporary Injunction<br>Temporary Injunction<br>Trial Date<br>Partial Judgment (Clean-<br>up Order)<br>Contempt Application<br>Contempt Hearing Date<br>Contempt Finding and<br>Civil Penalty<br>(\$100,000 and 30 Days<br>in Jail –<br>Suspended until 7/8/03)<br>Hearing Regarding<br>Contempt<br>Order Regarding<br>Bond/Cleanup<br>Deadline<br>Bond Posted<br>State Objections to Bond<br>Ruling Denying<br>Objections to Bond<br>Status Hearing Date |  | 12/15/97<br>10/02/98<br>2/04/99<br>4/19/99<br>9/13/00<br>9/28/00<br>12/12/02<br>2/20/03<br>2/20/03<br><br>7/09/03<br>8/01/03<br>8/01/03<br>8/20/03<br>9/18/03<br>4/16/04 |
| Plain, Dennis and<br>Brenda<br>Sac City (3)  | Air Quality<br>Solid Waste | Open Burning<br>Illegal Disposal           | Order/Penalty                      | Referred   |  | 4/19/04  |
| Roquette America,<br>Inc.<br>Keokuk (6)  | Air Quality                | Violations – Other                         | Order                              | Referred   |  | 4/21/03  |
| Roquette America<br>Keokuk (6)   | Air Quality                | DNR Defendant                              | Defense                            | Petition Filed<br>DNR's Answer<br>DNR's Resistance to<br>Temporary<br>Injunction<br>Hearing on Temporary<br>Injunction<br>DNR's Brief in<br>Resistance<br>Roquette's Brief<br>Ruling on Temporary<br>Injunction  |  | 8/28/03<br>9/11/03<br>9/11/03<br>9/11/03<br>9/29/03<br>9/30/03<br>1/14/04  |
| Schaffer, Dale<br>Kent (4)   | Air Quality<br>Solid Waste | Open Burning;<br>Illegal Disposal          | Order/Penalty                      | Referred<br>Petition Filed   |  | 4/21/03<br>3/18/04   |
| Schlag, Dana d/b/a<br>Plantation Village<br>Mobile Home Park                             | Drinking<br>Water          | MCL; Public<br>Notice<br>Monitoring/Report | Order/Penalty                      | Referred   |  | 7/21/03  |

Burlington (6)

ing – Radioactivity

|   |                                |   |                                    |   |   |
|---|--------------------------------|---|------------------------------------|---|---|
| Schoenberr, R. B.<br>d/b/a<br>Long Branch Tavern<br>Monmouth (1)  | Drinking<br>Water              | Permit Renewal  | Orders/Penalties                   | Referred<br>Court Order<br>Re-Referred  | 6/20/97<br>12/09/98<br>11/21/02   |
| Shain, Robert<br><b>UPDATED</b>   | Wastewater                     | DNR Defendant   | Defense                            | Petition Filed<br>DNR's Answer<br>Shain Motion for<br>Summary Judgment<br>DNR's Resistance<br>DNR's Memorandum of<br>Authorities<br>Hearing on Motion<br>Ruling Denying Shain's<br>Motion<br>Trial Date<br>DNR's Trial Brief<br>DNR's Supplemental<br>Trial Brief | 12/20/03<br>1/15/03<br>7/28/03<br>8/18/03<br>8/18/03<br>10/01/03<br>12/04/03<br>6/04/04<br>5/14/04<br>6/01/04 |
| Simon, Carl<br>Dubuque Co. (1)  | Animal<br>Feeding<br>Operation | Prohibited<br>Discharge<br>Confinement;<br>Freeboard                    | –                                  | Order/Penalty   | Referred<br>7/21/03   |
| Snoody, Pat<br>Honey<br>Campground<br>Crescent (4)  | Creek<br>Drinking<br>Water     | Monitoring/Report<br>ing-Bacteria,<br>Nitrate; Public<br>Notice         | Order/Penalty                      | Referred  | 10/20/03  |
| Trafton<br>Environmental, Inc.;<br>Harry Trafton;<br>Interstate Lounge,<br>Inc.<br>Underwood (4)                    | Underground<br>Tank            | UST Closure   | Order/Penalty                      | Referred<br>Petition Filed<br>Motion for Partial<br>Summary Judgment<br>Hearing Date<br>Order (\$9,140/Admin. &<br>Tank Fees)   | 2/17/03<br>1/02/04<br>2/05/04<br>3/01/04<br>3/15/04   |
| Van Meter<br>Development Corp.;<br>C. Dave Albright<br>Polk Co. (5)   | Wastewater                     | Operation Without<br>Permit; Pollution<br>Prevention Plan<br>Violations | Order/Penalty                      | Referred  | 2/17/03   |
| Wisconsin<br>LLC d/b/a<br>K & K Food & Gas,<br>Inc.;<br>Khushat Singh<br>UST#8606990<br>Davenport<br><b>UPDATED</b> | North,<br>Underground<br>Tank  | Corrective Action;<br>Failure to Report a<br>Release; Leak<br>Detection | Referred to<br>Attorney<br>General | Referred<br>Petition Filed<br>Motion for Default<br>Judgment<br>Default Judgment<br>(\$100,000/Civil<br>Against Natural<br>Petroleum, Inc.)<br>Motion to Compel   | 3/17/03<br>11/07/03<br>1/20/04<br>1/22/04<br>5/28/04  |
| Wisconsin<br>LLC d/b/a  | North,                         |   |                                    | Referred<br>Petition Filed  | 10/21/02<br>11/07/03  |

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| National Petroleum Undergroun Failure to Initiate Referred to Motion for Default 1/20/04 |
| Co. d Tank Corrective Action- Attorney 3/16/04   |
| UST #8606997 CDR General Default Judgment  |
| Clinton (6) (\$100,000/Civil 5/28/04   |
| Against Natural  |
| Petroleum, Inc.)   |
| Motion to Compel   |

## Contested Cases

|                      |  |          |                             |            |              |   |
|----------------------|--|----------|-----------------------------|------------|--------------|---|
| 9/20/95              | FKI Industries, Inc.; Fairfield Aluminum, Inc.             | 6        | Admin. Order                | WW/HC      | Tack         | 4/26/04 – Received site assessment and recommendations. Report under review by contaminated sites section.  |
| 11/30/98             | Robert Diehl   | 5        | Admin. Order/Penalty        | WW/WS      | Murphy       | NPDES permit issued 3/28/02 with compliance schedule. Continuing to monitor for compliance.   |
| 4/26/99              | Gerald and Judith Vens                                     | 6        | Admin. Order/Penalty        | FP         | Clark        | 3/19/04 – Settlement conversation/message to appellant's attorney.  |
| 12/01/99<br>12/08/99 | Iowa Select Farms, L.P./AG Waste Consultants, Inc.         | 2        | Admin. Order/Penalty        | AFO        | Clark        | 4/20/04 – ISF and Dept. attorneys unsuccessful attempt to contact AG Wastes Consultants attorney.   |
| 4/24/00              | Carroll, City of   | 4        | Permit Conditions           | WW         | Hansen       | <b>Consent order sent to City for review and mayor's signature. 12/26/03 – Dept. follow-up letter to City attorney. 12/29/03 – Response from City. 2/04 – Dept. permit writer drafting revised permit. 3/04 – Status report requested from permit writer. 4/16/04 – Dept. letter to City attorney regarding settlement with copy of draft revised NPDES permit. 5/19/04 – Follow-up letter to City attorney regarding permit.</b> |
| 4/26/00              | State Wide Metal Recycling, Inc.; Fred Bovee               | 5        | Admin. Order                | SW/HC      | Tack         | <b>Amended order drafted. All previously found capacitors removed. Loose capacitors remain on site.</b>   |
| 7/13/00              | Dan Witt   | 6        | Admin. Order/Penalty        | AFO        | Clark        | 4/26/04 – Settlement invitation letter sent.  |
| 9/05/00              | Thomas Kronlage  | 1        | Admin. Order/Penalty        | AFO        | Clark        | <b>5/07/04 – Sent to DIA.</b>   |
| 10/06/00             | Linwood Mining & Mineral Corp.                             | 6        | Admin. Order/Penalty        | AQ         | Preziosi     | <b>Sent to DIA to be set for hearing.</b>   |
| 11/20/00             | Randy Golden d/b/a R. Excavating                           | 4        | Admin. Order/Penalty        | WW         | Tack         | Petition for judicial review filed. AG to handle.   |
| 12/01/00             | Postville, City of   | 1        | Admin. Order                | WW         | Murphy       | 8/03 – Permit issued; it is being challenged by third parties in district court.  |
| <b>2/27/01</b>       | Floyd Kroeze   | <b>2</b> | <b>Admin. Order/Penalty</b> | <b>AFO</b> | <b>Clark</b> | <b>5/26/04 – Appeal withdrawn via consent amendment to Order. Penalty payment schedule established. Case closed.</b>  |
| 8/09/01              | Nevada, City of  | 5        | Admin. Order/Penalty        | UT         | Wornson      | Compliance achieved. Received partial penalty. Working on SEP.  |
| 8/13/01              | ABC Disposal Systems, Inc.                                 | 1        | <b>Admin. Order/Penalty</b> | SW         | Tack         | 4/15/02 – Proposed decision upheld by EPC. Petition for judicial review filed. 12/26/02 - District Court ruled in favor of Dept. 1/28/03 – Appealed to Iowa Supreme Court.  |
| 10/02/01             | Daryl Larson   | 6        | Admin. Order                | AFO        | Clark        | Negotiating before filing.  |
| 11/01/01             | Feeders Grain & Supply, Inc.; James Curtis; Carolyn Curtis | 4        | Admin. Order/Penalty        | WW/HC      | Wornson      | Compliance achieved. Penalty settlement proposal sent – no reply.   |
| 11/07/01             | Sir Fredericks, Inc.                                       | 5        | Admin. Order/Penalty        | UT         | Wornson      | Tier 2 submitted. CADR required. Negotiating penalty.   |
| 11/26/01             | LeMars, City of  | 3        | Admin.                      | WW         | Hansen       | <b>1/04- Letter to City attorney</b>  |

|                |   |          |                      |           |               |  |
|----------------|---|----------|----------------------|-----------|---------------|--|
|                |   |          | Order/Penalty        |           |               | regarding compliance status. 3/29/04 – Proposed ordinance received regarding enforcement of pretreatment program from City's engineer. 4/1/04 – SEP proposal received from City. Meeting held 4/02/04 to discuss settlement. 5/04 – Further information received from City attorney.   |
| 11/27/01       | Dallas County Care Facility                       | 5        | Admin. Order/Penalty | WW        | Hansen        | 10/03 – Letter to County attorney regarding appeal resolution. 1/04 – Letter to attorney regarding appeal. 4/04 – Dept. letter to attorney regarding appeal.   |
| 12/17/01       | Keith Stoterau; Hopp Construction Co., Inc.       | 4        | Admin. Order/Penalty | WW        | Murphy        | 10/30/03 – Erosion controls installed. DNR settlement demand. 12/24/03 – Response. 1/21/04 - \$2,500 of \$5,000 penalty received from Stoterau. 4/30/04 – Hopp's attorney will send an offer.  |
| 1/09/02        | Roger Eblen; Roger Eblen Development; Duane Menke | 4        | Order/Penalty        | WW        | Murphy        | Hearing continued. Settlement discussions with one party. Motion for default vs. Eblen filed 11/26/03 and granted 12/3/03. Motion to set aside default filed. 3/25/04 – FO met on-site with Eblen. Plan of action to be submitted.   |
| 1/18/02        | Robert Ward                                       | 6        | Order/Penalty        | WW        | Tack          | Clean-up underway.   |
| 1/23/02        | Clearview Mobile Home Park                        | 6        | Permit Conditions    | WW        | Hansen        | <b>10/31/02 – Construction permit issued for improvement to lagoon system. 10/31/03 – Update on construction project requested from Dept. engineer. 1/30/04 – Status report requested from Dept. staff. 2/24/04 – Letter sent to attorney regarding resolving appeal. 3/15/04 – Letter from facility attorney regarding proposed upgrade with sand filters. 4/26/04 – Dept. letter to MHP attorney requesting construction schedule for project. 5/17/04 – Letter from MHP attorney with new schedule.</b> |
| 1/29/02        | Partners Four Investments, Inc.                   | 2        | Order/Penalty        | UT        | Wornson       | Tier 2 accepted high risk. Negotiating penalty.  |
| 2/20/02        | Storm Lake, City of                               | 2        | Permit Conditions    | WW        | Hansen        | 3/03 – One year of TKN monitoring completed by City. 12/26/03 – Follow-up letter to City attorney regarding status of stream study. 1/04 – City attorney sent letter regarding stream study. 2/04 – Status report requested from Dept. staff. Per Dept. engineer – 3/29/04 City to perform more stream sampling.   |
| 4/11/02        | William Habhab                                    | 2        | Order/Penalty        | SW        | Tack          | <b>Site sold to City of Ft. Dodge. City has begun clean-up. Settlement offer sent on 4/19/04.</b>  |
| 5/08/02        | James and Retha Wilson                            | 4        | Order/Penalty        | UT        | Wornson       | Compliance initiated. Settlement offer. Hearing postponed until 7/16/04.   |
| <b>5/09/02</b> | Arthur, City of                                   | <b>3</b> | <b>Order/Penalty</b> | <b>WW</b> | <b>Hansen</b> | <b>4/22/04 – Settled. Plan submitted by City for SEP in lieu of penalty. City requested dismissal of appeal. 5/04 – SEP completed. Report submitted. Dept. letter sent closing appeal. Case closed.</b>  |
| 5/10/02        | Wellington Environmental                          | 6        | Order/Penalty        | AQ        | Book          | 3/03 – Settled. Consent order signed. Penalty is a non-monetary SEP to be conducted over the next 9 months. Completed half of the required 12 classes, deadline for remaining 6  |

|          |   |   |                          |       |         |  |
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|          |   |   |                          |       |         | classes moved to August, 2004, due to planning and financial difficulties.   |
| 5/13/02  | Avery Feeder Pig Co.                            | 2 | Order/Penalty            | AFO   | Clark   | 5/01/03 – Settled. Monthly installment commenced 5/15/03.  |
| 6/03/02  | Richard Caves;<br>Charlotte Caves               | 5 | Order/Penalty            | HC    | Tack    | 11/02 - Richard Caves' bankruptcy pending. Negotiating resolution.   |
| 7/02/02  | Wellington Environmental (Iowa City)            | 6 | Order/Penalty            | AQ    | Book    | 3/03 – Settled. Consent amendment signed. Penalty to is a non-monetary SEP to be conducted over the next 9 months.   |
| 7/10/02  | Kevin Wallerich                                 | 6 | Order/Penalty            | SW/WW | Tack    | 9/26/02 – Amended order issued.  |
| 7/18/02  | Mt. Pleasant, City of                           | 6 | Order/Penalty            | WW    | Hansen  | \$500 penalty payment received for uncontested portion. 12/03 – Dept. letter with settlement offer. 1/30/04 – Dept. letter sent regarding settlement. 2/24/04 & 3/31/04 – Follow-up letters sent regarding settlement. 4/26/04 – Letter received from City attorney regarding Dept. settlement proposal. |
| 7/23/02  | Doug Wedemeyer                                  | 4 | Order/Penalty            | AFO   | Murphy  | 4/30/04 – DNR letter sent.   |
| 7/31/02  | Nevada, City of                                 | 5 | Order/Penalty            | WW    | Murphy  | Settled. Awaiting SEP payment.   |
| 8/12/02  | Garry B. Pellett;<br>Pellett Chemical Co., Inc. | 4 | Order/Penalty            | UT    | Wornson | Consent order negotiated requiring Tier 2 and payment of \$2,640 penalty. 4/15/04 – Penalty payment received. Case closed.   |
| 8/15/02  | Lehigh Portland Cement                          | 2 | Order/Penalty            | WS    | Clark   | <b>4/29/04 – Appellant's attorney agrees to consult with client to determine whether reason for appeal still exists.</b>   |
| 8/23/02  | Clifton Clark                                   | 4 | Order/Penalty            | AQ/SW | Tack    | Inspection on 6/27/03. Significant progress made on cleanup. Continued efforts needed.   |
| 8/25/02  | Kenneth Dahlhauser                              | 2 | Order/Penalty            | AFO   | Clark   | 3/1/04 – Appellant's attorney agrees to send another settlement letter to client.  |
| 9/03/02  | Peter Cook                                      | 6 | Order/Penalty            | AQ/SW | Book    | Settled. Awaiting clean-up and penalty payment.  |
| 10/01/02 | Stan Siems                                      | 2 | <b>Order/Penalty</b>     | AQ/SW | Tack    | All tires have been removed. Negotiating penalty.  |
| 10/02/02 | Sioux City, City of                             | 3 | <b>Permit Conditions</b> | FP    | Clark   | 4/30/04 – Dept. contacts City to confirm understanding that appeal will be withdrawn.  |
| 11/22/02 | Schell Family Partnership                       | 5 | <b>Order/Penalty</b>     | SW/HC | Tack    | Waiting for engineer's cost estimates.   |
| 11/27/02 | River City Development; Russell Hardy           | 2 | <b>Order/Penalty</b>     | UT    | Wornson | Appeal untimely. Tiered assessment completed. CADR/Tier 3 initiated. Negotiating penalty settlement.   |
| 11/27/02 | Chelsea, City of                                | 5 | <b>Order/Penalty</b>     | WW    | Murphy  | 9/18/03 – DNR letter. Will monitor for compliance through winter of 2004.  |
| 1/13/03  | Merrell Butler                                  | 4 | <b>Order/Penalty</b>     | AFO   | Murphy  | 3/29/04 – Settled. Awaiting penalty payment.   |
| 1/13/03  | Glen Samuelson                                  | 4 | <b>Order/Penalty</b>     | AFO   | Murphy  | 3/29/04 – Settled. Awaiting penalty payment.   |
| 1/13/03  | Butler Custom Pumping; Robert Butler            | 4 | <b>Order/Penalty</b>     | AFO   | Murphy  | 3/29/04 – Settled. Awaiting penalty payment.   |
| 1/24/03  | <b>Kuntz Farms, Inc.</b>                        | 6 | Order/Penalty            | AFO   | Clark   | <b>5/26/04 – Appeal withdrawn via consent amendment to order; stipulated penalty to assure future compliance.</b>  |
| 1/29/03  | A.R. Wendler; W.B. Contract Swine Production    | 3 | <b>Order/Penalty</b>     | AFO   | Tack    | 3/18/03 – Settlement offer sent.   |
| 12/05/03 | Landfill of Des Moines, Inc.                    | 5 | <b>Order/Penalty</b>     | SW    | Tack    | Physical site closure completed. Waiting for closure certification from engineer.  |
| 2/10/03  | Doug Osweiler                                   | 6 | <b>Order/Penalty</b>     | AFO   | Book    | Negotiating before filing.   |
| 2/14/03  | <b>United Suppliers, Inc.</b>                   | 5 | Permit                   | WW    | Hanse   | <b>5/13/04 – Operation permit was</b>  |

|         |  |   | Conditions               |       | n        | revoked. Appeal closed.  |
|---------|--|---|--------------------------|-------|----------|--|
| 2/24/03 | Ray Slach  | 6 | <b>Order/Penalty</b>     | AFO   | Clark    | 4/29/04 – Settlement invitation letter sent.   |
| 3/04/03 | Iowa Select Farms;<br>Swartz Finisher Farm                                 | 2 | <b>Order/Penalty</b>     | AFO   | Clark    | <b>5/28/04 – Dept. makes counter offer in response to appellant's settlement offer.</b>  |
| 3/06/03 | Einck Dairy, Inc.; D & J Pumping, Inc.                                     | 1 | <b>Order/Penalty</b>     | AFO   | Clark    | 4/05/04 – Settled pending receipt of fish restitution on 4/20/04 and penalty settlement on 5/20/04.  |
| 4/04/03 | Natural Pork Production II, LLP (03-AFO-13)                                | 6 | <b>Order/Penalty</b>     | AFO   | Murphy   | 1/02/04 – DNR letter.  |
| 4/25/03 | Ag Processing Inc.   | 2 | <b>Permit Conditions</b> | AQ    | Preziosi | Negotiating before filing.   |
| 5/15/03 | Steve Walter d/b/a Walter & Son Waste Hauling                              | 6 | <b>Order/Penalty</b>     | AFO   | Murphy   | <b>9/1/03 – Facility being sold. Bankruptcy hearing 9/11/03. 1/02/04 – DNR letter to attorney. 5/12/04 – Appellant's response.</b>   |
| 5/15/03 | Larry E. Noel  | 2 | <b>Order/Penalty</b>     | AFO   | Clark    | <b>5/20/04 – Settled pending receipt of settlement payment on 6/04/04.</b>   |
| 5/21/03 | Natural Pork Production II (03-AFO-26)                                     | 4 | <b>Order/Penalty</b>     | AFO   | Murphy   | <b>Hearing held 2/17/04. Briefs filed 5/28/04.</b>   |
| 5/28/03 | Denny Geer   | 4 | <b>Order/Penalty</b>     | SW    | Tack     | Clean-up completed. Settlement offer of \$500 sent 4/13/04.  |
| 6/23/03 | Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Kerrigan Gilt/Union Co.) | 5 | <b>Order/Penalty</b>     | AFO   | Clark    | Negotiating before filing.   |
| 6/23/03 | D & D Ag Enterprises LLC   | 4 | <b>Order/Penalty</b>     | AFO   | Clark    | Negotiating before filing.   |
| 7/01/03 | Casey's General Stores (03-UT-03 through 03-UT-06)                         | 4 | <b>Order/Penalty</b>     | UT    | Wornon   | Compliance achieved except negotiating penalty/SEP before filing.  |
| 7/09/03 | Country Terrace MHP  | 5 | <b>Order/Penalty</b>     | WW    | Hansen   | <b>4/04 – Hearing continued to 8/30, 31/04, due to unavailability of witness.</b>  |
| 7/10/03 | Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Clarke/Union)            | 5 | <b>Order/Penalty</b>     | AFO   | Clark    | Negotiating before filing.   |
| 7/14/03 | Brad Taylor  | 4 | <b>Order/Penalty</b>     | AQ/SW | Tack     | Partial site clean-up completed. Dept. to review wood waste management prior to penalty settlement discussions.  |
| 7/28/03 | Westfair Association, The  | 4 | <b>Order/Penalty</b>     | WS    | Hansen   | <b>12/01/03 – ALJ order rescheduling hearing for 7/9/04. Dept. settlement offer to be sent 6/04.</b>   |
| 7/28/03 | Poverty Acres Feedlot Inc.   | 3 | <b>Order/Penalty</b>     | AFO   | Clark    | Negotiating before filing.   |
| 8/12/03 | Southern Waste Handling, Inc.  | 5 | <b>Order/Penalty</b>     | AFO   | Clark    | Negotiating before filing.   |
| 8/12/03 | Cargill (Sioux City)   | 3 | <b>Variance Denial</b>   | AQ    | Preziosi | Negotiating before filing.   |
| 8/16/03 | Cedar Rapids, City of  | 1 | <b>Order/Penalty</b>     | WW    | Murphy   | <b>Hearing set for 6/30/04.</b>  |
| 8/19/03 | Harlan, City of  | 4 | <b>Order</b>             | WW    | Hansen   | 10/15/03 – Plans and specs received from City engineer. 1/13/04 – Dept. issued construction permit for WWTF project. 4/04 – Dept. letter to City regarding resolution of appeal.   |
| 8/29/03 | Country Living Mobile Home Park  | 5 | <b>Order/Penalty</b>     | WW    | Hansen   | <b>9/17/03 – Facility engineer to work with DNR engineer on revised schedule. 1/30/04 – Project status report requested from Dept. engineer. 2/26/04 – Letter to attorney for MHP regarding resolving appeal. 3/04 – Response from MHP attorney that plans and specs for MHP</b> |



|                |  |          |                          |       |               |  |
|----------------|--|----------|--------------------------|-------|---------------|--|
|                |  |          |                          |       |               | upgrade will be submitted this spring. 4/04 – Partial plans and specifications received from MHP engineer. 5/04 – Plans and specifications finalized by MHP engineer and under review by Dept. engineer. |
| 9/02/03        | Kent Kiburz  | 2        | <b>Order/Penalty</b>     | SW    | Tack          | Negotiating before filing.   |
| 9/04/03        | Easter Enterprises, Inc.                           | 5        | <b>Order/Penalty</b>     | UT    | Worns on      | Compliance initiated, prepare settlement document.   |
| 9/05/03        | Strawberry Point, City of                          | 1        | <b>Order/Penalty</b>     | WW    | Murphy        | 1/5/04 – City to upgrade facilities, compliance will be monitored through 2005.  |
| 9/25/03        | Ag Processing Inc.                                 | 4        | <b>Permit Conditions</b> | AQ    | Preziosi      | Negotiating before filing.   |
| 10/01/03       | Casey's Marketing Co. UST#8606588, Jefferson       | 4        | <b>Order/Penalty</b>     | UT    | Worns on      | Compliance achieved except negotiating penalty/SEP before filing.  |
| 10/06/03       | Dennis Bandstra d/b/a Big Dutch                    | 3        | <b>Order/Penalty</b>     | AQ    | Book          | <b>Consent amendment final. Payment plan on schedule.</b>  |
| 0/08/03        | TEGH, Inc. (03-UT-15)                              | 6        | <b>Order/Penalty</b>     | UT    | Worns on      | Negotiating before filing.   |
| 10/08/03       | D & S Swine, LLC                                   | 2        | <b>Order/Penalty</b>     | AFO   | Murphy        | 4/04 – Documents sent to attorney.   |
| 10/17/03       | River Valley Farms                                 | 5        | <b>Order/Penalty</b>     | AFO   | Clark         | <b>5/03/04 – Appellant makes settlement offer. DNR staff considering response.</b>   |
| 10/27/03       | B & Food & Gas, Inc. (03-UT-12)                    | 6        | <b>Order/Penalty</b>     | UT    | Worns on      | Negotiating before filing.   |
| 10/27/03       | U.S. Nation Mart, Inc. (03-UT-14)                  | 6        | <b>Order/Penalty</b>     | UT    | Worns on      | Negotiating before filing.   |
| 11/04/03       | Tom Wageman  | 4        | <b>Order/Penalty</b>     | AFO   | Clark         | <b>5/18/04 – Settled pending receipt of settlement payments on 6/15/04 and 7/15/04.</b>  |
| 11/19/03       | Harlan Clasen                                      | 3        | <b>Order/Penalty</b>     | AQ/SW | Tack          | Negotiating before filing.   |
| 11/19/03       | Ron Fisher Furniture                               | 1        | <b>Amended Order</b>     | AQ    | Preziosi      | Negotiating before filing.   |
| 11/20/03       | ADM – Clinton                                      | 6        | <b>Permit Conditions</b> | AQ    | Preziosi      | Negotiating before filing.   |
| 11/21/03       | Russell and Kay Barkema; K & R Construction        | 2        | <b>Order/Penalty</b>     | AQ/SW | Book          | <b>Consent amendment final. Payment plan on schedule.</b>  |
| 12/02/03       | Jeff Holland                                       | 2        | <b>Order/Penalty</b>     | AFO   | Clark         | Negotiating before filing.   |
| 12/05/03       | Boyer's Sand and Rock, Inc.; William Boyer         | 3        | <b>Order/Penalty</b>     | UT    | Worns on      | Settlement agreement sent 3/2/04.  |
| 12/15/03       | AGP (Emmetsburg)                                   | 3        | <b>Permit Conditions</b> | AQ    | Preziosi      | Negotiating before filing.   |
| 12/22/03       | Pocahontas, City of                                | 3        | <b>Order/Penalty</b>     | WW    | Murphy        | 4/06/04 – Settlement offer by City. 4/13/04 – Offer accepted by DNR.   |
| 12/29/03       | T. Patrick Cashman; Laurie Cashman                 | 5        | <b>Order/Penalty</b>     | AFO   | Clark         | Negotiating before filing.   |
| <b>1/05/04</b> | <b>Richard Reiter; Jerald Reiter (Jackson Co.)</b> | <b>1</b> | Order/Penalty            | AFO   | <b>Murphy</b> | <b>5/27/04 – Settled. Penalty received. Case closed.</b>   |
| <b>1/05/04</b> | <b>Richard Reiter; Jerald Reiter (Dubuque Co.)</b> | <b>1</b> | Order/Penalty            | AFO   | <b>Murphy</b> | <b>5/27/04 – Settled. Penalty received. Case closed.</b>   |
| 1/21/04        | Bob Kerrigan                                       | 4        | <b>Order/Penalty</b>     | AFO   | Clark         | Negotiating before filing.   |
| 1/22/04        | Van Veldhuizen Dairy                               | 3        | <b>Order/Penalty</b>     | AFO   | Book          | <b>Settled. Consent amendment final. Payment plan on schedule.</b>   |
| 1/22/04        | Nestle Purina Pet Care                             | 1        | <b>Permit Conditions</b> | AQ    | Book          | <b>Being handled by AQ management.</b>   |
| 1/29/04        | Loru Farm Partnership                              | 3        | <b>Order/Penalty</b>     | AFO   | Book          | <b>Settled. Consent amendment with Director for signature.</b>   |
| 1/30/04        | John Schmall d/b/a Carpenter Bar &                 | 2        | <b>Order/Penalty</b>     | WS    | Hansen        | 2/26/04 – Letter to WS attorney regarding resolving appeal.  |

|                |  |          |                          |          |               |   |
|----------------|--|----------|--------------------------|----------|---------------|---|
|                | Grill  |          |                          |          |               |   |
| <b>1/30/04</b> | <b>Don Jewell; Jewell's Skate Country</b>                    | <b>1</b> | Permit Conditions        | WS       | Hansen        | <b>2/27/04 – Compliance by WS initiated. 4/28/04 – Status report requested from FO and WS section. 4/30/04 – Dept. engineer sent letter approving installation of disinfection system. 5/14/04 – Letter sent closing appeal. Case closed.</b> |
| 2/09/04        | Lenox Manufacturing (11 permits)                             | 5        | <b>Permit Conditions</b> | AQ       | Preziosi      | Negotiating before filing.  |
| 2/09/04        | Swine USA, LP  | 5        | <b>Order/Penalty</b>     | AFO      | Clark         | Negotiating before filing.  |
| 2/16/04        | Iowa Ethanol, LLC; Reilly Construction Co., Inc.             | 2        | <b>Order/Penalty</b>     | WW       | Murphy        | Meeting held 4/07/04.   |
| 2/17/04        | Broin & Assoc., Inc. aka Otter Creek Ethanol, LLC            | 3        | <b>Order/Penalty</b>     | WW       | Murphy        | Meeting held 4/07/04.   |
| 2/17/04        | Broin & Assoc., Inc. aka Iowa Ethanol, LLC                   | 2        | <b>Order/Penalty</b>     | WS/WW    | Murphy        | Meeting held 4/07/04.   |
| 2/18/04        | Larry Johnson; Denzel Edwards                                | 4        | <b>Order/Penalty</b>     | AQ/SW/HC | Tack          | 4/15/04 - \$3,000 penalty settlement received from Larry Johnson.   |
| 2/18/04        | Gettler Dairy, Inc.; Dave and Kristen Gettler                | 4        | <b>Order/Penalty</b>     | AFO      | Clark         | Negotiating before filing.  |
| 2/23/04        | American Shell Co., Inc.; James L. Peach                     |          | <b>Order/Penalty</b>     | UT       | Wornson       | Compliance initiated. Negotiating before filing.  |
| 2/26/04        | Wapsipinicon Country Club                                    | 1        | <b>Order/Penalty</b>     | WS       | Tack          | <b>Compliance achieved. Settlement offer made on 5/21/04.</b>   |
| 3/01/04        | Shenandoah, City of  | 4        | <b>Order/Penalty</b>     | AQ/SW    | Tack          | Negotiating before filing.  |
| 3/04/04        | Tim Trostel  | 2        | <b>Order/Penalty</b>     | AFO      | Clark         | Negotiating before filing.  |
| 3/15/04        | Gary Lund, Lund Construction                                 | 2        | <b>Order/Penalty</b>     | AQ/SW    | Book          | <b>Settled. Consent amendment final. Payment plan on schedule.</b>  |
| 3/15/04        | Iowa Falls, City of  | 2        | <b>Order/Penalty</b>     | WW       | Hansen        | <b>6/04 – Dept. letter to City attorney regarding settlement.</b>   |
| 3/15/04        | Regional Environmental Improvement Commission of Iowa County | 6        | <b>Order/Penalty</b>     | SW       | Tack          | Negotiating before filing.  |
| 3/16/04        | Axtell Finishers; James Axtell                               | 2        | <b>Order/Penalty</b>     | AFO      | Clark         | Negotiating before filing.  |
| 3/16/04        | Julie Oden   | 5        | <b>Order/Penalty</b>     | AQ       | Preziosi      | <b>Settled. Awaiting penalty payment.</b>   |
| 3/18/04        | Edwin Pagliai, et.al. (04-UT-02)                             | 5        | <b>Order</b>             | UT       | Wornson       | Partial compliance, negotiating settlement dependent on compliance with tank closure requirements.  |
| 3/18/04        | Mike Pagliai; JBTU (04-UT-03)                                | 5        | <b>Order</b>             | UT       | Wornson       | Partial compliance, negotiating settlement dependent on compliance with tank closure requirements.  |
| 3/18/04        | Edwin Pagliai, et.al. (04-UT-04, 04-UT-05; 04-UT-06)         | 5        | <b>Order/Penalty</b>     | UT       | Wornson       | Prepare settlement agreement.   |
| 3/22/04        | Crest Country Inn  | 6        | <b>Order/Penalty</b>     | WW       | Murphy        | <b>4/28/04 – Letter sent to appellant. 5/10/04 – Response. 5/28/04 – Letter sent to appellant.</b>  |
| 3/23/04        | Michael and Keri Sickles                                     | 4        | <b>Order/Penalty</b>     | SW       | Tack          | Negotiating before filing.  |
| 3/24/04        | Lake Place   | 2        | <b>Order/Penalty</b>     | WS       | Book          | Negotiating before filing.  |
| 3/31/04        | Sioux Pharm, Inc.  | 3        | <b>Order/Penalty</b>     | WW       | Murphy        | <b>Settled. SEP established.</b>  |
| 4/02/04        | Sunny Brae Golf and Country Club                             | 2        | <b>Order/Penalty</b>     | WS       | Tack          | Compliance to be reviewed 7/04.   |
| 4/02/04        | LeMars, City of  | 3        | <b>Order/Penalty</b>     | WW       | Hansen        | 4/02/04 – Meeting held to discuss settlement.   |
| <b>4/02/04</b> | Jeff Marshall; Jim Perkins                                   | <b>6</b> | Order/Penalty            | WS       | <b>Murphy</b> | <b>6/01/04 – AO rescinded. Case closed.</b>   |

|                |   |          |                          |            |             |  |
|----------------|---|----------|--------------------------|------------|-------------|--|
| 4/08/04        | Silver Creek Feeders                            | 4        | <b>Permit Conditions</b> | AFO        | Clark       | Negotiating before filing.   |
| 4/16/04        | Ag Processing Inc. (Sheldon)                    | 3        | <b>Permit Conditions</b> | AQ         | Preziosi    | Negotiating before filing.   |
| 4/16/04        | Ben Haven Mobile Home Park                      | 1        | <b>Order/Penalty</b>     | WS         | Clark       | Negotiating before filing.   |
| 4/19/04        | Richard Juhl                                    | 4        | <b>Order/Penalty</b>     | AQ/SW      | Book        | <b>Hearing set for 7/27/04.</b>  |
| 4/19/04        | Central Iowa Water Assoc.                       | 5        | <b>Permit Conditions</b> | WS         | Hansen      | <b>4/04 – FO5 to set up meeting to discuss settlement. 5/11/04 – Informal meeting held to discuss settlement of appeal. 5/15/04 – Letter to CIWA requesting further information.</b> |
| 4/19/04        | ADM – Clinton                                   | 6        | <b>Permit Conditions</b> | AQ         | Preziosi    | New case.  |
| 4/19/04        | Ray Zellmer                                     | 4        | <b>Order/Penalty</b>     | AQ/SW      | Book        | Negotiating before filing.   |
| <b>4/23/04</b> | <b>Hoogland Farms; Marv Hoogland</b>            | <b>3</b> | Order/Penalty            | <b>AFO</b> | Book        | <b>5/13/04 – Penalty payment received. Case closed.</b>  |
| 4/23/04        | Curt Kline; Connie Kline                        | 4        | <b>Order/Penalty</b>     | AQ         | Preziosi    | Negotiating before filing.   |
| 4/26/04        | Miles McDougal                                  | 3        | <b>Order/Penalty</b>     | AFO        | Book        | Negotiating before filing.   |
| 5/03/04        | Steven Grettenberg                              | 2        | <b>Order/Penalty</b>     | AFO        | Book        | <b>New case. Negotiating before filing.</b>  |
| 5/04/04        | West Central Cooperative                        | 4        | <b>Permit Denial</b>     | AQ         | Preziosi    | New case.  |
| 5/04/04        | Allsteel, Inc.                                  | 6        | <b>Order/Penalty</b>     | AQ         | Book        | <b>New case. Meeting scheduled for 6/1/04.</b>   |
| 5/04/04        | Atlantic, City of                               | 4        | <b>Order/Penalty</b>     | WW         | Murphy      | <b>New case. 5/28/04 – DNR letter.</b>   |
| 5/05/04        | Charlie Haywood                                 | 3        | <b>Order/Penalty</b>     | AFO        | Book        | New case.  |
| 5/06/04        | Deer Ridge SEW Feeder Pigs LC                   | 1        | <b>Order/Penalty</b>     | AFO        | Book        | <b>New case. Negotiating before filing.</b>  |
| 5/06/04        | Terry Nibbelink                                 | 3        | <b>Order/Penalty</b>     | AFO        | Clark       | New case.  |
| 5/10/04        | Allan Glienke                                   | 3        | <b>Order/Penalty</b>     | AFO        | Clark       | New case.  |
| 5/11/04        | Clark Partnership; Dennis Clark; Terrence Clark | 3        | <b>Order/Penalty</b>     | AFO        | Clark       | New case.  |
| 5/11/04        | Williams Brothers Garage                        | 4        | <b>Order/Penalty</b>     | WW/SW /AQ  | Tack        | New case.  |
| 5/11/04        | Jeff Salsbery                                   | 6        | <b>Order/Penalty</b>     | AFO        | Book        | <b>New case. Sent to DIA to be set for hearing.</b>  |
| 5/12/04        | Ag Processing, Inc.                             | 3        | <b>Permit Conditions</b> | AQ         | Preziosi    | New case.  |
| <b>5/12/04</b> | <b>W &amp; H Cooperative Oil Co.</b>            | <b>2</b> | Order/Penalty            | <b>HC</b>  | <b>Tack</b> | <b>New case. 5/28/04 – Penalty paid. Appeal withdrawn.</b>   |
| 5/12/04        | Hunt Brothers; Chris Hunt                       | 3        | <b>Order/Penalty</b>     | AFO        | Book        | New case.  |
| 5/13/04        | Allen Hoeper                                    | 1        | Order/Penalty            | AFO        | Clark       | New case.  |
| 5/14/04        | G & S Farms; Greg DeBoer                        | 3        | <b>Order/Penalty</b>     | AFO        | Book        | New case.  |
| 5/14/04        | Rural Iowa Solid Waste Mgmt.                    | 2        | <b>Order/Penalty</b>     | SW         | Tack        | New case.  |
| 5/18/04        | Alton, City of                                  | 3        | <b>Order/Penalty</b>     | FP         | Clark       | New case.  |
| 5/18/04        | Steve Link                                      | 1        | <b>Order/Penalty</b>     | AFO        | Book        | New case.  |
| 5/18/04        | Keith Haroldson                                 | 3        | <b>Order/Penalty</b>     | AFO        | Book        | New case.  |
| 5/20/04        | Galen Haack                                     | 3        | <b>Order/Penalty</b>     | AQ         | Book        | New case.  |
| 5/21/04        | Brunsville, City of                             | 3        | <b>Order/Penalty</b>     | WS         | Hansen      | <b>New case. 5/26/04 – Settlement offer sent to City.</b>  |
| 5/25/04        | CDI, LLC  | 6        | <b>Permit Conditions</b> | AQ         | Preziosi    | New case.  |
| 5/26/04        | Casey's Marketing Co. (5 locations)             | 5        | <b>Order/Penalty</b>     | AFO        | Wornson     | New case.  |
| 5/28/04        | Maquoketa Shoreline Development, Inc.           | 1        | <b>Order/Penalty</b>     | WW         | Murphy      | New case.  |

## Report of WW By-passes

During the period May 1, 2004 through May 31, 2004, 9 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

| Month         | Total | Avg. Length<br>(days) | Avg. Volume<br>(MGD) | Sampling<br>Required | Fish Kill |
|---------------|-------|-----------------------|----------------------|----------------------|-----------|
| October '03   | 8(5)  | 0.182                 | 0.010                | 3                    | 1(0)      |
| November '03  | 4(3)  | 0.701                 | 0.264                | 2                    | 0(0)      |
| December '03  | 11(4) | 0.209                 | 0.065                | 2                    | 0(0)      |
| January '04   | 5(3)  | 0.479                 | 0.165                | 3                    | 0(0)      |
| February '04  | 10(4) | 0.269                 | 0.032                | 2                    | 0(0)      |
| March '04     | 7(7)  | 0.524                 | 0.022                | 3                    | 0(0)      |
| April '04     | 8(8)  | 0.608                 | 0.072                | 1                    | 0(0)      |
| May '04       | 9(9)  | 0.499                 | 0.042                | 4                    | 0(0)      |
| June '03      | 6(3)  | 0.290                 | 0.019                | 3                    | 0(0)      |
| July '03      | 5(6)  | 0.496                 | 0.580                | 2                    | 0(0)      |
| August '03    | 2(9)  | 0.354                 | 0.054                | 0                    | 0(0)      |
| September '03 | 4(5)  | 0.177                 | 0.006                | 1                    | 0(0)      |
|               |       |                       |                      |                      |           |

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

|          |          |          |          |          |          |
|----------|----------|----------|----------|----------|----------|
| <b>1</b> | <b>2</b> | <b>3</b> | <b>4</b> | <b>5</b> | <b>6</b> |
| 6        | 1        | 1        | 0        | 1        | 0        |

## GENERAL DISCUSSION

Donna Buell praised the new Conservation Strategies for Growing Communities booklet.

Darrell Hanson mentioned that he will not be able to attend the July EPC meeting.

## NEXT MEETING DATES

July 19, 2004

August 16, 2004 – Lake of Three Fires State Park

September 20, 2004

**ADJOURNMENT**

With no further business to come before the Environmental Protection Commission, Chairperson Darrell Hanson adjourned the meeting at 3:45 p.m., Monday, June 21, 2004 .

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Jeffrey R. Vonk, Director

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Darrell Hanson, Chair

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Heidi Vittetoe, Secretary

**INDEX****A**

Adjournment, 73  
 Adoption of Agenda, 1  
 Air Quality Programs Rules  
     Chapters 22, 23 and 25, Updates,  
     Revisions and Additions  
         Notice of Intended Action, 35  
 Amend contract with Iowa State University  
     for Lake Montioring Services  
     Contract, 24  
 Amendment to Memorandum of Agreement  
     (MOA)  
     Iowa Deparmtne tof Economic  
     Development, 33  
 Amendment to Chapter 65.17  
     FINAL Rule  
         “Manure MANAGEMENT PLAN  
         Content Requirements, 2  
 Amendment with the University of Northern  
     Iowa’s (UNI) Iowa Waste Reduction  
     Center, 34  
 Amendments to Chapter 65 – Definitions,  
     Construction Permit Requirements,  
     Master Matrix and Groundwater  
     Determination  
         Proposed Rule, 20  
 Approval of Minutes, 1

**B**

Beach Monitoring Services with the  
     University of Iowa – 2004  
     Contract, 23  
 Brownfield Redeveloipemtn Program  
     Overview, 25

**C**

Call to Order, 1  
 Chapter 137 “Iowa Land Recycling Program  
     and Response Action Standards”  
     Final Rule, 27

Chapter 49 “Non public Water Supply  
     Wells” and IAC Chapter 82 “Well  
     Contractor Certification  
     Final Rule, 28  
 Commissioners Absent, 1  
 Commissioners Present, 1  
 Contract  
     Amend contract with Iowa State  
     University for Lake Montioring  
     Services, 24  
     Beach Monitoring Services with the  
     University of Iowa – 2004, 23  
     Lamar Advertising  
         Contract  
         Clear Channel Outdoor  
         Contract  
         Clear Channel  
         Communications, 30  
     SFY 2005 DNR/UHL Air Quality  
     Bureau Support, 30  
     TBM Consulting Group  
         Kaizen Process Improvement Events,  
         46

**D**

Director's Report, 1

**F**

Final Rule  
     Amendment to Chapter 65.17  
         “Manure Management Plan Content  
         Requirements”, 2  
     Chapter 137 “Iowa Land Recycling  
     Program and Response Action  
     Standards”, 27  
     Chapter 49 “Non public Water Supply  
     Wells” and IAC Chapter 82 “Well  
     Contractor Certification, 28

**G**

General Discussion, 72

**I**

Iowa Deparmtne tof Economic Development

Amendment to Memorandum of Agreement (MOA), 33

**K**

Kaizen Process Improvement Events  
TBM Consulting Group  
Contract, 46

**L**

Laboratory Certification Agreement  
University of Iowa, 29

**M**

Members Absent, 1  
Monthly Reports, 48

**N**

Notice of Intended Action  
Air Quality Programs Rules  
Chapters 22, 23 and 25, Updates,  
Revisions and Additions, 35

**P**

Proposed Rule  
Amendments to Chapter 65 –  
Definitions, Construction Permit  
Requirements, Master Matrix and  
Groundwater Determination, 20

**S**

SFY 2005 DNR/UHL Air Quality Bureau  
Support  
Contract, 30  
Solid Waste Alternatives Program –  
Recommendations, 36

**T**

TBM Consulting Group  
Kaizen Process Improvement Events  
Contract, 46

**U**

University of Iowa  
Laboratory Certification Agreement, 29